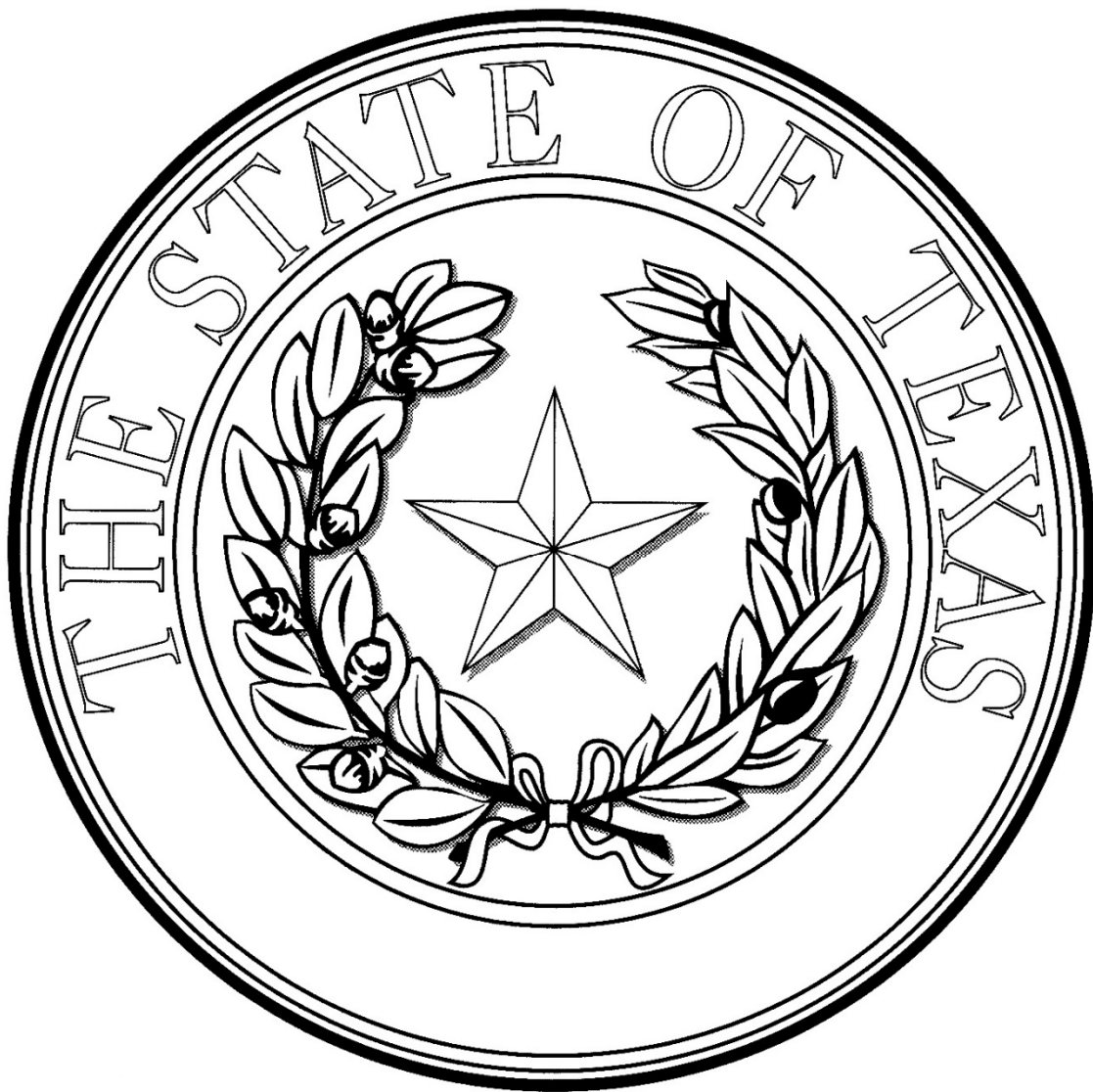

TEXAS REGISTER

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IN THIS ISSUE

GOVERNOR

Proclamation 41-4222	5409
Proclamation 41-4223	5409

PROPOSED RULES

TEXAS HEALTH AND HUMAN SERVICES COMMISSION

TEMPORARY ASSISTANCE FOR NEEDY FAMILIES AND SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAMS	
1 TAC §372.355	5411

TEXAS STATE LIBRARY AND ARCHIVES COMMISSION

STATE RECORDS	
13 TAC §6.9	5412
LOCAL RECORDS	
13 TAC §7.125	5413
13 TAC §§7.126 - 7.137	5414

TEXAS BOARD OF PHYSICAL THERAPY EXAMINERS

PRACTICE	
22 TAC §322.1	5416
22 TAC §322.5	5417
LICENSING PROCEDURE	
22 TAC §329.1, §329.7	5419
LICENSE RENEWAL	
22 TAC §341.2	5420

TEXAS DEPARTMENT OF INSURANCE

LIFE, ACCIDENT, AND HEALTH INSURANCE AND ANNUITIES	
28 TAC §3.3052	5422
LICENSING AND REGULATION OF INSURANCE PROFESSIONALS	
28 TAC §19.1703	5424
28 TAC §19.2003	5426

COMPTROLLER OF PUBLIC ACCOUNTS

INVESTMENT MANAGEMENT	
34 TAC §§6.10 - 6.18	5429
COMPTROLLER GRANT PROGRAMS	
34 TAC §§16.401 - 16.410	5430

TEXAS DEPARTMENT OF PUBLIC SAFETY

COMMERCIAL VEHICLE REGULATIONS AND ENFORCEMENT PROCEDURES	
---	--

37 TAC §4.13	5437
--------------------	------

COMPASSIONATE-USE/LOW-THC CANNABIS PROGRAM

37 TAC §12.11	5440
37 TAC §12.23	5443
37 TAC §12.35	5444

SCHOOL BUS SAFETY STANDARDS

37 TAC §§14.51 - 14.54	5445
------------------------------	------

WITHDRAWN RULES

TEXAS HEALTH AND HUMAN SERVICES COMMISSION

MEDICAID MANAGED CARE

1 TAC §353.1415	5449
-----------------------	------

ADOPTED RULES

TEXAS HISTORICAL COMMISSION

HISTORIC SITES

13 TAC §16.3	5451
--------------------	------

TEXAS HIGHER EDUCATION COORDINATING BOARD

FINANCIAL PLANNING

19 TAC §13.501, §13.503	5451
19 TAC §§13.522, 13.524, 13.525, 13.527 - 13.529	5452
19 TAC §13.564	5455
19 TAC §13.594	5455
19 TAC §13.623, §13.624	5456
19 TAC §§13.640 - 13.651	5458

APPLICATIONS AND ADMISSION FOR INSTITUTIONS OF HIGHER EDUCATION

19 TAC §§20.30 - 20.34	5466
------------------------------	------

TEXAS EDUCATION AGENCY

STATE REVIEW AND APPROVAL OF INSTRUCTIONAL MATERIALS

19 TAC §67.1501, §67.1502	5467
---------------------------------	------

COMMISSIONER'S RULES CONCERNING PASSING STANDARDS FOR EDUCATOR CERTIFICATION EXAMINATIONS

19 TAC §151.1001	5468
------------------------	------

STATE BOARD OF DENTAL EXAMINERS

DENTAL LICENSURE

22 TAC §101.1	5468
22 TAC §101.2	5469

DENTAL HYGIENE LICENSURE	
22 TAC §103.1	5469
22 TAC §103.2	5469
CONTINUING EDUCATION	
22 TAC §104.1	5469
22 TAC §104.2	5470
EXTENSION OF DUTIES OF AUXILIARY PERSONNEL--DENTAL ASSISTANTS	
22 TAC §114.6	5470
FACULTY AND STUDENTS IN ACCREDITED DENTAL SCHOOLS	
22 TAC §117.2	5470
22 TAC §117.3	5471
COMPTROLLER OF PUBLIC ACCOUNTS	
TAX ADMINISTRATION	
34 TAC §3.102	5471
34 TAC §3.722	5471
34 TAC §3.1207	5472
RULE REVIEW	
Proposed Rule Reviews	
Texas Health and Human Services Commission	5473
Adopted Rule Reviews	
Texas Education Agency	5474
State Board of Dental Examiners	5474
TABLES AND GRAPHICS	
.....	5477
IN ADDITION	
Coastal Bend Council of Governments	
Coastal Bend Council of Governments (CBCOG) Invitation for Bid Proposal - Regional Law Enforcement Training Program	5479
Office of Consumer Credit Commissioner	
Notice of Rate Ceilings	5479
Texas Commission on Environmental Quality	
Agreed Orders	5480
Enforcement Orders	5486
Notice of a Public Meeting and a Proposed Renewal With Amendment of General Permit TXG130000 Authorizing the Discharge of Waste- water	5486
Notice of an Amendment to a Certificate of Adjudication Application No. 12-3761A	5486
Notice of an Application for a Water Use Permit Application No. 13741	5487

Notice of District Petition - D-06272025-064	5488
Notice of District Petition - D-07072025-023	5488
Notice of District Petition - D-07152025-032	5489
Notice of Opportunity to Comment on a Default Order of an Adminis- trative Enforcement Action	5490
Notice of Opportunity to Comment on a Shutdown/Default Order of an Administrative Enforcement Action	5490
Texas Facilities Commission	
Request for Proposals #303-7-20786 Austin	5491
General Land Office	
Notice and Opportunity to Comment on Requests for Consistency Agreement/Concurrence Under the Texas Coastal Management Pro- gram	5491
Texas Health and Human Services Commission	
Public Notice: Mandatory Coverage for Eligible Juveniles who are In- mates of a Public Institution and Post Adjudication of Charges ...	5492
Revised Public Notice: Texas Medicaid State Plan Amendment to Make Changes to the Language for Existing Medicaid Clinic Services Benefit and the Clinic Services Benefit Four Walls Requirement for Indian Health Services (IHS) and Tribal Clinics	5492
Texas Department of Insurance	
Company Licensing	5492
Texas Department of Licensing and Regulation	
Notice of Vacancies on Elimination of Architectural Barriers Advisory Committee	5492
Notice of Vacancies on Speech-Language Pathologists and Audiolo- gists Advisory Board	5493
Notice of Vacancies on the Dietitians Advisory Board	5493
Texas Lottery Commission	
Scratch Ticket Game Number 2701 "\$100,000 BONUS MULTI- PLIER"	5494
North Central Texas Council of Governments	
Request for Proposals for Integration and Support Services for HOV Discount	5499
Texas Real Estate Commission	
Correction of Error	5500
Texas Department of Transportation	
Public Hearing Notice - Statewide Transportation Improvement Pro- gram August 2025 Revision	5500
Texas Workforce Commission	
Request for Comment Regarding the Services Performed by WorkQuest	5501

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 41-4222

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, I, GREG ABBOTT, Governor of the State of Texas, do hereby certify that increased fire weather conditions that began on August 10, 2025, pose an imminent threat of widespread or severe damage, injury, or loss of life or property in Anderson, Angelina, Aransas, Archer, Armstrong, Atascosa, Austin, Bandera, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Bowie, Brazos, Briscoe, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Camp, Cass, Cherokee, Childress, Clay, Coke, Coleman, Collin, Collingsworth, Colorado, Comal, Comanche, Concho, Cooke, Coryell, Cottle, Crosby, Dallas, Delta, Denton, DeWitt, Dickens, Dimmit, Donley, Duval, Eastland, Edwards, Ellis, Erath, Falls, Fannin, Fayette, Fisher, Floyd, Foard, Franklin, Freestone, Frio, Garza, Gillespie, Glasscock, Goliad, Gonzales, Grayson, Gregg, Grimes, Guadalupe, Hale, Hall, Hamilton, Hardeman, Harrison, Haskell, Hays, Henderson, Hidalgo, Hill, Hood, Hopkins, Houston, Howard, Hunt, Irion, Jack, Jackson, Jim Hogg, Jim Wells, Johnson, Jones, Karnes, Kaufman, Kendall, Kenedy, Kent, Kerr, Kimble, King, Kinney, Kleberg, Knox, La Salle, Lamar, Lampasas, Lavaca, Lee, Leon, Limestone, Live Oak, Llano, Lubbock, Lynn, Madison, Marion, Mason, Matagorda, Maverick, McCulloch, McLennan, McMullen, Medina, Menard, Milam, Mills, Mitchell, Montague, Morris, Motley, Nacogdoches, Navarro, Nolan, Nueces, Palo Pinto, Panola, Parker, Rains, Reagan, Real, Red River, Refugio, Robertson, Rockwall, Runnels, Rusk, Sabine, San Augustine, San Patricio, San Saba, Schleicher, Scurry, Shackelford, Shelby, Smith, Somervell, Starr, Stephens, Sterling, Stonewall, Sutton, Swisher, Tarrant, Taylor, Throckmorton, Titus, Tom Green, Travis, Trinity, Upshur, Uvalde, Van Zandt, Victoria, Walker, Washington, Webb, Wharton, Wichita, Wilbarger, Willacy, Williamson, Wilson, Wise, Wood, Young, Zapata, and Zavala Counties;

NOW, THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby declare a state of disaster in the previously listed counties based on the existence of such threat.

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

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

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

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 12th day of August, 2025.

Greg Abbott, Governor

TRD-202502857



Proclamation 41-4223

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, the 89th Regular Session of the Texas Legislature convened in January 2025, in accordance with Article III, Section 5, of the Texas Constitution and Section 301.001 of the Texas Government Code; and

WHEREAS, during that session, the Legislature approved seventeen joint resolutions proposing seventeen particular constitutional amendments by a vote of two-thirds of all members of each house, pursuant to Article XVII, Section 1(a), of the Texas Constitution; and

WHEREAS, pursuant to the terms of those resolutions and in accordance with the Texas Constitution, the Legislature has set the date of the election for voting on the seventeen proposed constitutional amendments to be November 4, 2025; and

WHEREAS, Section 3.003(a)(2) of the Texas Election Code requires the election to be ordered by proclamation of the governor;

NOW, THEREFORE, I, GREG ABBOTT, Governor of the State of Texas, by the authority vested in me by the Constitution and Statutes of the State of Texas, do hereby order a special election to be held throughout the State of Texas on the FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER, the same being the FOURTH day of NOVEMBER, 2025.

NOTICE THEREOF IS HEREBY GIVEN to the COUNTY JUDGE of each county, who is directed to cause said election to be held in the county on such date for the purpose of adopting or rejecting the seventeen constitutional amendments proposed by seventeen joint resolutions, as submitted by the 89th Texas Legislature, Regular Session.

Pursuant to Sections 52.095, 274.001, and 274.002 of the Texas Election Code, the propositions for the joint resolutions will appear as follows:

STATE OF TEXAS PROPOSITION No. 1

"The constitutional amendment providing for the creation of the permanent technical institution infrastructure fund and the available workforce education fund to support the capital needs of educational programs offered by the Texas State Technical College System."

STATE OF TEXAS PROPOSITION No. 2

"The constitutional amendment prohibiting the imposition of a tax on the realized or unrealized capital gains of an individual, family, estate, or trust."

STATE OF TEXAS PROPOSITION NO. 3

"The constitutional amendment requiring the denial of bail under certain circumstances to persons accused of certain offenses punishable as a felony."

STATE OF TEXAS PROPOSITION No. 4

"The constitutional amendment to dedicate a portion of the revenue derived from state sales and use taxes to the Texas water fund and to provide for the allocation and use of that revenue."

STATE OF TEXAS PROPOSITION NO. 5

"The constitutional amendment authorizing the legislature to exempt from ad valorem taxation tangible personal property consisting of animal feed held by the owner of the property for sale at retail."

STATE OF TEXAS PROPOSITION NO. 6

"The constitutional amendment prohibiting the legislature from enacting a law imposing an occupation tax on certain entities that enter into transactions conveying securities or imposing a tax on certain securities transactions."

STATE OF TEXAS PROPOSITION NO. 7

"The constitutional amendment authorizing the legislature to provide for an exemption from ad valorem taxation of all or part of the market value of the residence homestead of the surviving spouse of a veteran who died as a result of a condition or disease that is presumed under federal law to have been service-connected."

STATE OF TEXAS PROPOSITION NO. 8

"The constitutional amendment to prohibit the legislature from imposing death taxes applicable to a decedent's property or the transfer of an estate, inheritance, legacy, succession, or gift."

STATE OF TEXAS PROPOSITION NO. 9

"The constitutional amendment to authorize the legislature to exempt from ad valorem taxation a portion of the market value of tangible personal property a person owns that is held or used for the production of income."

STATE OF TEXAS PROPOSITION NO. 10

"The constitutional amendment to authorize the legislature to provide for a temporary exemption from ad valorem taxation of the appraised value of an improvement to a residence homestead that is completely destroyed by a fire."

STATE OF TEXAS PROPOSITION NO. 11

"The constitutional amendment authorizing the legislature to increase the amount of the exemption from ad valorem taxation by a school

district of the market value of the residence homestead of a person who is elderly or disabled."

STATE OF TEXAS PROPOSITION No. 12

"The constitutional amendment regarding the membership of the State Commission on Judicial Conduct, the membership of the tribunal to review the commission's recommendations, and the authority of the commission, the tribunal, and the Texas Supreme Court to more effectively sanction judges and justices for judicial misconduct."

STATE OF TEXAS PROPOSITION No. 13

"The constitutional amendment to increase the amount of the exemption of residence homesteads from ad valorem taxation by a school district from \$100,000 to \$140,000."

STATE OF TEXAS PROPOSITION No. 14

"The constitutional amendment providing for the establishment of the Dementia Prevention and Research Institute of Texas, establishing the Dementia Prevention and Research Fund to provide money for research on and prevention and treatment of dementia, Alzheimer's disease, Parkinson's disease, and related disorders in this state, and transferring to that fund \$3 billion from state general revenue."

STATE OF TEXAS PROPOSITION No. 15

"The constitutional amendment affirming that parents are the primary decision makers for their children."

STATE OF TEXAS PROPOSITION NO. 16

"The constitutional amendment clarifying that a voter must be a United States citizen."

STATE OF TEXAS PROPOSITION NO. 17

"The constitutional amendment to authorize the legislature to provide for an exemption from ad valorem taxation of the amount of the market value of real property located in a county that borders the United Mexican States that arises from the installation or construction on the property of border security infrastructure and related improvements."

The Secretary of State shall take notice of this proclamation and shall immediately mail a copy of this order to every county judge of this State, and all appropriate writs will be issued, and all proper proceedings will be followed, to the end that said election may be held and its result proclaimed in accordance with law.

IN TESTIMONY WHEREOF, I have hereto 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 12th day of August, 2025.

Greg Abbott, Governor

TRD-202502858

◆ ◆ ◆

PROPOSED RULES

Proposed rules include new rules, amendments to existing rules, and repeals of existing rules. A state agency shall give at least 30 days' notice of its intention to adopt a rule before it adopts the rule. A state agency shall give all interested persons a reasonable opportunity to

submit data, views, or arguments, orally or in writing (Government Code, Chapter 2001).

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

TITLE 1. ADMINISTRATION

PART 15. TEXAS HEALTH AND HUMAN SERVICES COMMISSION

CHAPTER 372. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES AND SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAMS

SUBCHAPTER B. ELIGIBILITY

DIVISION 6. RESOURCES

1 TAC §372.355

The executive commissioner of the Texas Health and Human Services Commission (HHSC) proposes an amendment to §372.355, concerning Treatment of Resources in SNAP.

BACKGROUND AND PURPOSE

The proposal is necessary to comply with Texas Human Resources Code §33.021, which requires HHSC to increase the excluded amounts of a vehicle's fair market value (FMV) when determining Supplemental Nutrition Assistance Program (SNAP) eligibility. Texas Human Resources Code §33.021 was amended by House Bill 1287, 88th Legislature, Regular Session, 2023. The proposed amendment updates the excluded amount of FMV from the first and additional vehicle when determining the value of countable resources.

Households qualify to receive SNAP benefits by meeting eligibility requirements when they apply, recertify, or report a change. One requirement limits the amount of certain financial resources SNAP recipients may have on hand (e.g., cash, vehicles). To meet the resource test, the household's countable liquid resources plus excess vehicle value must be \$5,000 or less.

SECTION-BY-SECTION SUMMARY

The proposed amendment updates the exclusionary amount for vehicles from \$15,000 to \$22,500 for the highest valued vehicle and \$4,650 to \$8,700 for all other countable vehicles. This change will allow HHSC to implement the state law.

FISCAL NOTE

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

GOVERNMENT GROWTH IMPACT STATEMENT

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

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

(2) implementation of the proposed rule will not affect the number of HHSC employee positions;

(3) implementation of the proposed rule will result in no assumed change in future legislative appropriations;

(4) the proposed rule will not affect fees paid to HHSC;

(5) the proposed rule will not create a new regulation;

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

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

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

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

Trey Wood has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities because the rule expands the resource limit and increases the amount of people eligible for SNAP in Texas based on their resources and does not require additional costs for small businesses, micro-businesses, or rural communities.

LOCAL EMPLOYMENT IMPACT

The proposed rule will not affect a local economy.

COSTS TO REGULATED PERSONS

Texas Government Code §2001.0045 does not apply to this rule because the rule does not impose a cost on regulated persons and is necessary to implement legislation that does not specifically state that §2001.0045 applies to the rule.

PUBLIC BENEFIT AND COSTS

Molly Regan, Deputy Executive Commissioner for Access and Eligibility Services, has determined that for each year of the first five years the rule is in effect, the public benefit will be to allow people an increased excluded amount on their vehicles when their resources are tested for SNAP eligibility.

Trey Wood has also determined that for the first five years the rule is in effect, there are no anticipated economic costs to persons who are required to comply with the proposed rule because the amended rule is only updating resources and does not require any costs to the public.

TAKINGS IMPACT ASSESSMENT

HHSC has determined that the proposal does not restrict or limit an owner's right to the owner's property that would otherwise ex-

ist in the absence of government action and, therefore, does not constitute a taking under Texas Government Code §2007.043.

PUBLIC COMMENT

Written comments on the proposal, including information related to the cost, benefit, or effect of the proposed rule, as well as any applicable data, research, or analysis, may be submitted to Rules Coordination Office, P.O. Box 13247, Mail Code 4102, Austin, Texas 78711-3247, or street address 4601 West Guadalupe Street, Austin, Texas 78751; or emailed to HHRulesCoordinationOffice@hhs.texas.gov.

To be considered, comments must be submitted no later than 31 days after the date of this issue of the *Texas Register*. Comments must be (1) postmarked or shipped before the last day of the comment period; (2) hand-delivered before 5:00 p.m. on the last working day of the comment period; or (3) emailed before midnight on the last day of the comment period. If the last day to submit comments falls on a holiday, comments must be postmarked, shipped, or emailed before midnight on the following business day to be accepted. When emailing comments, please indicate "Comments on Proposed Rule 24R042" in the subject line.

STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system.

The amendment affects Texas Government Code §531.0055.

§372.355. *Treatment of Resources in SNAP.*

(a) In SNAP, the Texas Health and Human Services Commission (HHSC) follows 7 CFR §273.8(a) and (b) to determine the countable resources limit. Unless a household is considered categorically eligible for SNAP under 7 CFR §273.2(j) by receiving Supplemental Security Income, TANF cash, or TANF non-cash benefits, the countable resource limit for a household is the amount of liquid resources and excess vehicle values specified in 7 CFR §273.8(b).

(b) HHSC follows 7 CFR §273.8 to determine whose resources to count in SNAP.

(c) HHSC follows 7 CFR §273.8 to determine what resources are counted, and 7 CFR §273.8(e) and 7 U.S.C. §2014(g) to determine what resources are excluded.

(d) HHSC also excludes:

(1) up to \$2,000 of gifts annually from tax-exempt organizations provided to children with life-threatening conditions;

(2) independent living payments to youths who are leaving foster care, as provided by the Social Security Act, Title IV-E (42 U.S.C. §670 et seq.);

(3) funds from adoption subsidy payments made under Title IV-A and Title IV-E of the Social Security Act;

(4) funds from insurance policy dividends;

(5) funds from veterans payments earmarked as a household allowance or as an aid and attendance allowance;

(6) \$22,500 [\$15,000] for the first vehicle and \$8,700 [\$4,650] for each additional vehicle;

(7) resources of categorically eligible households as described in 7 CFR §273.8(a); and

(8) funds held in a school-based account or bond as described by Texas Education Code §28.0024 [of the Texas Education Code] and authorized by Texas Human Resources Code §33.0291 [of the Texas Human Resources Code].

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 August 8, 2025.

TRD-202502806

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Earliest possible date of adoption: September 21, 2025

For further information, please call: (512) 915-0519



TITLE 13. CULTURAL RESOURCES

PART 1. TEXAS STATE LIBRARY AND ARCHIVES COMMISSION

CHAPTER 6. STATE RECORDS

SUBCHAPTER A. RECORDS RETENTION SCHEDULING

13 TAC §6.9

The Texas State Library and Archives Commission (commission) proposes the repeal of Texas Administrative Code, Title 13, Part 1, Chapter 6, Subchapter A, §6.9, Notification by State Records Administrator.

BACKGROUND. The commission recently concluded its quadrennial review of Chapter 6 as required by Government Code, §2001.039. This statute requires state agencies to "review and consider for readoption each of its rules . . . not later than the fourth anniversary of the date on which the rule takes effect and every four years after that date." Gov't Code §2001.039(b). The statute further requires state agencies to "readopt, readopt with amendments, or repeal a rule as a result of reviewing the rule under this section." Gov't Code §2001.039(c). After reviewing the chapter, the commission determined that, in general, the reasons for initially adopting the rules continue to exist. However, the commission identified one section that is no longer necessary and proposes to repeal that section. The commission also identified one section that would be more appropriately placed in a different subchapter with no changes to the text of the rule or section number.

The commission proposes the repeal of §6.9, Notification by State Records Administrator, because the rule is outdated, unnecessary, and does not implement, interpret, or prescribe law or policy or describe a commission procedure or practice requirement. In compliance with Government Code, §441.182, the commission's State and Local Records Management Division regularly corresponds with and assists state agencies regarding their responsibilities under §6.2 (relating to Submission of Records Retention Schedules for Certification) and §6.3 (relating to Submission of Records Retention Schedules for Recertification).

During the rule review, the commission also determined that the current placement of §6.122, Records Storage Services Fee Schedule, in Subchapter E, Records Center Storage Services Fee Schedules, could be confusing, as the commission's other rule related to fee schedules (§6.121, Micrographics Services Fee Schedule) is placed within Subchapter D, Fee Schedules. The commission finds that moving §6.122 into Subchapter D with the commission's other fee schedule rule and eliminating Subchapter E will result in a more logical placement of the rule. This change will be made on adoption of the proposed repeal of §6.9.

FISCAL IMPACT. Craig Kelso, Director, State and Local Records Management Division, has determined that for each of the first five years the proposed repeal is in effect, there will not be a fiscal impact on state or local government.

PUBLIC BENEFIT AND COSTS. Mr. Kelso has determined that for the first five-year period the repeal is in effect, the public benefit will be efficiency and clarity in the commission's rules by elimination of an unnecessary regulation.

LOCAL EMPLOYMENT IMPACT STATEMENT. The proposal has no measurable impact on local economy; therefore, no local employment impact statement under Government Code, §2001.022 is required.

SMALL BUSINESS, MICRO-BUSINESS, AND RURAL COMMUNITY IMPACT STATEMENT. There will be no adverse economic effect on small businesses, micro-businesses, or rural communities; therefore, a regulatory flexibility analysis under Government Code, §2006.002 is not required.

COST INCREASE TO REGULATED PERSONS. The rule as proposed for repeal does not impose or increase a cost on regulated persons, including another state agency, a special district, or a local government. Therefore, the commission is not required to take any further action under Government Code, §2001.0045.

GOVERNMENT GROWTH IMPACT STATEMENT. In compliance with Government Code, §2001.0221, the commission provides the following government growth impact statement. For each year of the first five years the rule as proposed for repeal will be in effect, the commission has determined the following:

1. The proposed repeal will not create or eliminate a government program;
2. Implementation of the rule as proposed for repeal will not require the creation of new employee positions or the elimination of existing employee positions;
3. Implementation of the rule as proposed for repeal will not require an increase or decrease in future legislative appropriations to the commission;
4. The proposal will not require an increase or decrease in fees paid to the commission;
5. The proposal will not create new regulations;
6. The proposal will repeal an existing regulation;
7. The proposal will not increase the number of individuals subject to the rule's applicability; and
8. The proposal will not positively or adversely affect the state's economy.

TAKINGS IMPACT ASSESSMENT. No private real property interests are affected by this proposal, and the proposal does not restrict or limit an owner's right to his or her property that would

otherwise exist in the absence of government action. Therefore, the proposed repeal does not constitute a taking under Government Code, §2007.043.

REQUEST FOR PUBLIC COMMENT. Written comments on the proposed repeal may be submitted to Sarah Swanson, General Counsel, Texas State Library and Archives Commission, P.O. Box 12927, Austin, Texas 78711, or via email at rules@tsl.texas.gov. To be considered, a written comment must be received no later than 30 days from the date of publication in the *Texas Register*.

STATUTORY AUTHORITY. The repeal is proposed under Government Code, §441.199, which authorizes the commission to adopt rules it determines necessary for cost reduction and efficiency of recordkeeping by state agencies and for the state's management and preservation of records; Government Code, §441.190, which authorizes the commission to adopt rules establishing standards and procedures for the protection, maintenance, and storage of state records; and §441.182, which authorizes the commission to recover costs through the assessment of fees for operating the state records center for the economical and efficient storage, accessibility, protection, and final disposition of inactive and vital state records and performing micrographic and other imaging services for the protection, accessibility, and preservation of state records.

CROSS REFERENCE TO STATUTE. Government Code, Chapter 441.

§6.9. Notification by State Records Administrator.

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 August 4, 2025.

TRD-202502751

Sarah Swanson

General Counsel

Texas State Library and Archives Commission

Earliest possible date of adoption: September 21, 2025

For further information, please call: (512) 463-5460



CHAPTER 7. LOCAL RECORDS

SUBCHAPTER D. RECORDS RETENTION SCHEDULES

13 TAC §7.125

The Texas State Library and Archives Commission (commission) proposes the repeal of Texas Administrative Code, Title 13, Part 1, Chapter 7, Subchapter D, §7.125, Records Retention Schedules.

BACKGROUND. Section 441.158 of the Government Code requires the director and librarian, under the direction of the commission, to prepare records retention schedules for each type of local government, including a schedule for records common to all types of local government. The statute further requires the commission to adopt the schedules by rule. Each schedule must (1) list the various types of records of the applicable local government, (2) state the retention period prescribed by a federal or state law, rule of court, or regulation for records for which a period is prescribed, and (3) prescribe retention periods for all other

records, which periods have the same effect as if prescribed by law after the records retention schedule is adopted as a rule of the commission.

The commission first adopted §7.125 in 1992. This one section includes full images of 12 unique records retention schedules applicable to each type of local government: Public Works and Other Government Services, County Clerks, District Clerks, Public Safety Agencies, Public School Districts, Public Junior Colleges, Justice and Municipal Courts, Property Taxation, Elections and Voter Registration, Public Health Agencies, and Utility Services. The rule also includes a schedule for records common to all local governments. The schedules have been updated over time as changes in laws, rules, or regulations have occurred, as well as in response to changes in the types of records maintained by local governments. The schedules have also been updated over time to simplify the language, consolidate records series when appropriate, and to make the schedules easier to use.

The commission finds it necessary to update and improve each of the records retention schedules to ensure each records series is correct and current with the most appropriate legal citation(s) and to clarify and simplify language where possible. Because all 12 schedules are currently contained within one section of the Administrative Code, reviewing and updating individual schedules is challenging, as amendments to a rule may not be proposed until any previously adopted amendments are effective. Therefore, the commission proposes to repeal existing §7.125 and propose each schedule as its own rule. Not only will this action improve the commission's ability to update and maintain the schedules; it will also improve users' ability to find what they need. These new proposed sections are also published in this same issue of the *Texas Register*.

FISCAL IMPACT. Craig Kelso, Director, State and Local Records Management Division, has determined that for each of the first five years the proposed repeal is in effect, there will not be a fiscal impact on state or local government.

PUBLIC BENEFIT AND COSTS. Mr. Kelso has determined that for the first five-year period the repeal is in effect, the public benefit will be efficiency and ease of use, as specific local government records retention schedules will be easier to find. Additionally, once the schedules are adopted as individual rules, the commission will be able to update and improve each schedule more efficiently, leading to more accurate and up-to-date schedules.

LOCAL EMPLOYMENT IMPACT STATEMENT. The proposal has no measurable impact on local economy; therefore, no local employment impact statement under Government Code, §2001.022 is required.

SMALL BUSINESS, MICRO-BUSINESS, AND RURAL COMMUNITY IMPACT STATEMENT. There will be no adverse economic effect on small businesses, micro-businesses, or rural communities; therefore, a regulatory flexibility analysis under Government Code, §2006.002 is not required.

COST INCREASE TO REGULATED PERSONS. The rule as proposed for repeal does not impose or increase a cost on regulated persons, including another state agency, a special district, or a local government. Therefore, the commission is not required to take any further action under Government Code, §2001.0045.

GOVERNMENT GROWTH IMPACT STATEMENT. In compliance with Government Code, §2001.0221, the commission provides the following government growth impact statement. For each year of the first five years the rule as proposed for

repeal will be in effect, the commission has determined the following:

1. The proposed repeal will not create or eliminate a government program;
2. Implementation of the rule as proposed for repeal will not require the creation of new employee positions or the elimination of existing employee positions;
3. Implementation of the rule as proposed for repeal will not require an increase or decrease in future legislative appropriations to the commission;
4. The proposal will not require an increase or decrease in fees paid to the commission;
5. The proposal will not create new regulations;
6. The proposal will repeal an existing regulation;
7. The proposal will not increase the number of individuals subject to the rule's applicability; and
8. The proposal will not positively or adversely affect the state's economy.

TAKINGS IMPACT ASSESSMENT. No private real property interests are affected by this proposal, and the proposal does not restrict or limit an owner's right to his or her property that would otherwise exist in the absence of government action. Therefore, the proposed repeal does not constitute a taking under Government Code, §2007.043.

REQUEST FOR PUBLIC COMMENT. Written comments on the proposed repeal may be submitted to Sarah Swanson, General Counsel, Texas State Library and Archives Commission, P.O. Box 12927, Austin, Texas 78711, or via email at rules@tsl.texas.gov. To be considered, a written comment must be received no later than 30 days from the date of publication in the *Texas Register*.

STATUTORY AUTHORITY. The repeal is proposed under Government Code, §441.158, which requires the director and librarian, under the direction of the commission, to prepare records retention schedules for each type of local government, including a schedule for records common to all types of local government, and to adopt the schedules by rule.

CROSS REFERENCE TO STATUTE. Government Code, Chapter 441; Local Government Code, Chapter 203.

§7.125. Records Retention Schedules.

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 August 4, 2025.

TRD-202502749

Sarah Swanson

General Counsel

Texas State Library and Archives Commission

Earliest possible date of adoption: September 21, 2025

For further information, please call: (512) 463-5460



13 TAC §§7.126 - 7.137

(Editor's note: In accordance with Texas Government Code, §2002.014, which permits the omission of material which is

"cumbersome, expensive, or otherwise inexpedient," the figures in 13 TAC §§7.126 - 7.137 are not included in the print version of the Texas Register. The figures are available in the on-line version of the August 22, 2025, issue of the Texas Register.)

The Texas State Library and Archives Commission (commission) proposes the following new sections to Texas Administrative Code, Title 13, Part 1, Chapter 7, Subchapter D: §7.126, Local Schedule GR, Records Common to All Local Governments; §7.127, Local Schedule PW: Records of Public Works and Other Government Services; §7.128, Local Schedule CC: Records of County Clerks; §7.129, Local Schedule DC: Records of District Clerks; §7.130, Local Schedule PS: Records of Public Safety Agencies; §7.131, Local Schedule SD: Records of Public School Districts; §7.132, Local Schedule JC: Records of Public Junior Colleges; §7.133, Local Schedule LC: Records of Justice and Municipal Courts; §7.134, Local Schedule TX: Records of Property Taxation; §7.135, Local Schedule EL: Records of Elections and Voter Registration; §7.136, Local Schedule HR: Records of Public Health Agencies; and §7.137, Local Schedule UT: Records of Utility Services.

BACKGROUND. Section 441.158 of the Government Code requires the director and librarian, under the direction of the commission, to prepare records retention schedules for each type of local government, including a schedule for records common to all types of local government. The statute further requires the commission to adopt the schedules by rule. Each schedule must (1) list the various types of records of the applicable local government, (2) state the retention period prescribed by a federal or state law, rule of court, or regulation for records for which a period is prescribed, and (3) prescribe retention periods for all other records, which periods have the same effect as if prescribed by law after the records retention schedule is adopted as a rule of the commission.

The commission finds it necessary to update and improve each of the records retention schedules to ensure each records series is correct and current with the most appropriate legal citation(s) and to clarify and simplify language where possible. All of the local government records retention schedules are currently contained within one single section of the Texas Administrative Code. When printed, this section exceeds 475 pages. Reviewing and updating individual schedules is challenging, even when the changes impact only one type of local government records retention schedule, as amendments to a rule may not be proposed until any previously adopted amendments are effective. To ultimately make the process for reviewing and updating the schedules more efficient and to simplify the commission's rules for better usability by local governments, the commission now proposes each individual schedule as an administrative rule without changes to any of the rule text at this time. Not only will this action improve the commission's ability to update and maintain the schedules; it will also improve users' ability to find the information they need. The commission is also simultaneously proposing the repeal of §7.125, Records Retention Schedules, which is the single section that currently includes all 12 records retention schedules. This proposal may be found in this same issue of the *Texas Register*.

FISCAL IMPACT. Craig Kelso, Director, State and Local Records Management Division, has determined that for each of the first five years the proposed new sections are in effect, there will not be a fiscal impact on state or local government.

PUBLIC BENEFIT AND COSTS. Mr. Kelso has determined that for the first five-year period the proposed new sections are in ef-

fect, the public benefit will be efficiency and ease of use, as specific local government records retention schedules will be easier to find. Additionally, once the schedules are adopted as individual rules, the commission will be able to update and improve each schedule more efficiently.

LOCAL EMPLOYMENT IMPACT STATEMENT. The proposal has no measurable impact on local economy; therefore, no local employment impact statement under Government Code, §2001.022 is required.

SMALL BUSINESS, MICRO-BUSINESS, AND RURAL COMMUNITY IMPACT STATEMENT. There will be no adverse economic effect on small businesses, micro-businesses, or rural communities; therefore, a regulatory flexibility analysis under Government Code, §2006.002 is not required.

COST INCREASE TO REGULATED PERSONS. The rules as proposed do not impose or increase a cost on regulated persons, including another state agency, a special district, or a local government. Therefore, the commission is not required to take any further action under Government Code, §2001.0045.

GOVERNMENT GROWTH IMPACT STATEMENT. In compliance with Government Code, §2001.0221, the commission provides the following government growth impact statement. For each year of the first five years the rules as proposed will be in effect, the commission has determined the following:

1. The proposed rules will not create or eliminate a government program;
2. Implementation of the rules as proposed will not require the creation of new employee positions or the elimination of existing employee positions;
3. Implementation of the rules as proposed will not require an increase or decrease in future legislative appropriations to the commission;
4. The proposal will not require an increase or decrease in fees paid to the commission;
5. The proposal will create new regulations, but none of the regulations are new requirements. Each of the proposed new regulations currently exists within one single, yet cumbersome, section;
6. The proposal will not repeal an existing regulation;
7. The proposal will not increase the number of individuals subject to the rule's applicability; and
8. The proposal will not positively or adversely affect the state's economy.

TAKINGS IMPACT ASSESSMENT. No private real property interests are affected by this proposal, and the proposal does not restrict or limit an owner's right to his or her property that would otherwise exist in the absence of government action. Therefore, the proposed new sections do not constitute a taking under Government Code, §2007.043.

REQUEST FOR PUBLIC COMMENT. Written comments on the proposed new sections may be submitted to Sarah Swanson, General Counsel, Texas State Library and Archives Commission, P.O. Box 12927, Austin, Texas 78711, or via email at rules@tsl.texas.gov. To be considered, a written comment must be received no later than 30 days from the date of publication in the *Texas Register*.

STATUTORY AUTHORITY. The new sections are proposed under Government Code, §441.158, which requires the director and librarian, under the direction of the commission, to prepare records retention schedules for each type of local government, including a schedule for records common to all types of local government, and to adopt the schedules by rule.

CROSS REFERENCE TO STATUTE. Government Code, Chapter 441; Local Government Code, Chapter 203.

§7.126. Local Schedule GR: Records Common to All Local Governments.

Local Schedule GR: Records Common to All Local Governments.
Figure: 13 TAC §7.126

§7.127. Local Schedule PW: Records of Public Works and Other Government Services.

Local Schedule PW: Records of Public Works and Other Government Services.
Figure: 13 TAC §7.127

§7.128. Local Schedule CC: Records of County Clerks.

Local Schedule CC: Records of County Clerks.
Figure: 13 TAC §7.128

§7.129. Local Schedule DC: Records of District Clerks.

Local Schedule DC: Records of District Clerks.
Figure: 13 TAC §7.129

§7.130. Local Schedule PS: Records of Public Safety Agencies.

Local Schedule PS: Records of Public Safety Agencies.
Figure: 13 TAC §7.130

§7.131. Local Schedule SD: Records of Public School Districts.

Local Schedule SD: Records of Public School Districts.
Figure: 13 TAC §7.131

§7.132. Local Schedule JC: Records of Public Junior Colleges.

Local Schedule JC: Records of Public Junior Colleges.
Figure: 13 TAC §7.132

§7.133. Local Schedule LC: Records of Justice and Municipal Courts.

Local Schedule LC: Records of Justice and Municipal Courts.
Figure: 13 TAC §7.133

§7.134. Local Schedule TX: Records of Property Taxation.

Local Schedule TX: Records of Property Taxation.
Figure: 13 TAC §7.134

§7.135. Local Schedule EL: Records of Elections and Voter Registration.

Local Schedule EL: Records of Elections and Voter Registration.
Figure: 13 TAC §7.135

§7.136. Local Schedule HR: Records of Public Health Agencies.

Local Schedule HR: Records of Public Health Agencies.
Figure: 13 TAC §7.136

§7.137. Local Schedule UT: Records of Utility Services.

Local Schedule UT: Records of Utility Services.
Figure: 13 TAC §7.137

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

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TRD-202502750

Sarah Swanson

General Counsel

Texas State Library and Archives Commission

Earliest possible date of adoption: September 21, 2025

For further information, please call: (512) 463-5460



TITLE 22. EXAMINING BOARDS

PART 16. TEXAS BOARD OF PHYSICAL THERAPY EXAMINERS

CHAPTER 322. PRACTICE

22 TAC §322.1

The Texas Board of Physical Therapy Examiners (board) proposes amending 22 TAC §322.1(a)(2)(D)-(G) relating to exceptions to referral requirement.

The following amendment is necessary to implement changes to Texas Occupations Code §453.301(a)(3)(B) and (b) pursuant Tex. H.B. 4099, 89th R.S. (2025). Specifically, the amendment changes the number of days a physical therapist (PT) who possesses a doctoral degree in physical therapy or has completed at least 30 CCUs in the area of differential diagnosis may treat a patient without a referral from "for not more than 10 consecutive business days" to "for not more than 30 consecutive calendar days."

Additionally, the requirement for a PT to possess a doctoral degree and either has completed a physical therapy residency or fellowship or is certified by an entity approved by the board to treat a patient without a referral for not more than 15 consecutive business days has been eliminated.

Fiscal Note

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

Public Benefits and Costs

Mr. Harper has determined that for the first five-year period the amendment is in effect, the public benefit will be greater accessibility to physical therapy services to prevent delay of care and worsened outcomes, higher costs, and greater strain on the health care system. Additionally, there will be no cost to the public with implementation of this amendment.

Local Employment Economic Impact Statement

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

Small and Micro-Businesses and Rural Communities Impact

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

Government Growth Impact Statement

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

- (1) The proposed rule amendment will neither create nor eliminate a government program.
- (2) The proposed rule amendment will neither create new employee positions nor eliminate existing employee positions.
- (3) The proposed rule amendment will neither increase nor decrease future legislative appropriations to the agency.
- (4) The proposed rule amendment will require neither an increase nor a decrease in fees paid to the agency.
- (5) The proposed rule amendment does not create a new regulation.
- (6) The proposed rule amendment will repeal the requirement for a PT to possess a doctoral degree and either has completed a physical therapy residency or fellowship or is certified by an entity approved by the board to treat a patient without a referral for not more than 15 consecutive business days.
- (7) The proposed rule amendment will not increase individuals subject to the rule's applicability.
- (8) The proposed rule amendment will neither positively nor adversely affect this state's economy.

Takings Impact Assessment

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

Requirement for Rule Increasing Costs to Regulated Persons

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

Public Comment

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

Statutory Authority

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

Cross-reference to Statute

The proposed amendment implements provisions in Chapter 453, Subchapter G, Occupations Code, specifically §453.301(a)(3)(B) and (b) that pertain to treatment without a referral. No other statutes, articles, or codes are affected by the proposed amendment.

§322.1. Provision of Services.

- (a) Initiation of physical therapy services.
 - (1) (No change.)
 - (2) Exceptions to referral requirements
- (A) - (C) (No change.)

(D) A PT may treat a patient for an injury or condition without a referral for not more than 30 [10] consecutive calendar [business] days if the PT:

(i) has been licensed to practice physical therapy for at least one year;

(ii) is covered by professional liability insurance in the minimum amount of \$100,000 per claim and \$300,000 aggregate per year; and

(iii) either:

(I) possesses a doctoral degree in physical therapy from:

(-a-) a program that is accredited by the Commission on Accreditation in Physical Therapy Education; or

(-b-) an institution that is accredited by an agency or association recognized by the United States secretary of education; or

(II) has completed at least 30 CCUs in the area of differential diagnosis.

~~[(E) A PT may treat a patient for an injury or condition without a referral for not more than 15 consecutive business days if the PT possesses a doctoral degree as described in subparagraph (D)(iii)(I)(-a-) or (-b-) of this paragraph and has satisfied the conditions set forth in subparagraph (D)(i) and (ii) of this paragraph, and either:]~~

~~[(i) has completed a physical therapy residency or fellowship, or]~~

~~[(ii) is certified by an entity approved by the board. The board will maintain a list of approved entities on its website.]~~

(E) ~~[(F)]~~ A PT must obtain a referral from a qualified healthcare practitioner before continuation of treatment that exceeds that which is authorized in subparagraph (D) ~~[or (E)]~~ of this paragraph.

(F) ~~[(G)]~~ A PT who treats a patient without a referral under subparagraph (D) ~~[or (E)]~~ of this paragraph must obtain a signed disclosure on a form prescribed by the board prior to the initiation of treatment. The disclosure form will be made available on the board's website.

(3) (No change.)

(b) - (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 August 8, 2025.

TRD-202502828

Ralph Harper

Executive Director

Texas Board of Physical Therapy Examiners

Earliest possible date of adoption: September 21, 2025

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



22 TAC §322.5

The Texas Board of Physical Therapy Examiners (Board) proposes amending 22 TAC §322.5(e) relating to standardize formats for and retention of records related to a patient's consent to treatment, data collection, and data sharing when providing physical therapy services via telehealth.

The following amendment is necessary to implement changes to Texas Occupations Code §111.004 pursuant to Tex. H.B. 1700, 89th R.S. (2025) which requires each agency with regulatory authority over a health professional providing telehealth service to adopt rules necessary to standardize formats for and retention of records related to a patient's consent to treatment, data collection, and data sharing.

Fiscal Note

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

Public Benefits and Costs

Mr. Harper has determined that for the first five-year period the amendment is in effect, the public benefit will be to enable the patient or the patient's authorized representative to make decisions regarding the provision of physical therapy via telehealth with knowledge of the benefits and/or risks, data collection and sharing, and retention of the documentation. Additionally, there will be no cost to the public with the implementation of this amendment.

Local Employment Economic Impact Statement

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

Small and Micro-Businesses and Rural Communities Impact

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

Government Growth Impact Statement

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

- (1) The proposed rule amendment will neither create nor eliminate a government program.
- (2) The proposed rule amendment will neither create new employee positions nor eliminate existing employee positions.
- (3) The proposed rule amendment will neither increase nor decrease future legislative appropriations to the agency.
- (4) The proposed rule amendment will require neither an increase nor a decrease in fees paid to the agency.
- (5) The proposed rule amendment does not create a new regulation.
- (6) The proposed rule amendment will neither repeal nor limit an existing regulation.
- (7) The proposed rule amendment will not increase individuals subject to the rule's applicability.
- (8) The proposed rule amendment will neither positively nor adversely affect this state's economy.

Takings Impact Assessment

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

Requirement for Rule Increasing Costs to Regulated Persons

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

Public Comment

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

Statutory Authority

The Board proposes the amendment to §322.5, Telehealth, pursuant to Tex. H.B. 1700, 89th R.S. (2025), which requires each agency with regulatory authority over a health professional providing telehealth service to adopt rules necessary to standardize formats for and retention of records related to a patient's consent to treatment, data collection, and data sharing. The Board also proposes the amendment to §322.5 pursuant to Texas Occupations Code § 453.102, which authorizes the Board to adopt rules necessary to implement chapter 453, Occupations Code.

Cross-reference to Statute

The Board proposes the amendment to §322.5 under Texas Occupations Code § 111.102, Informed Consent, which sets out the telehealth requirements for informed consent that apply to health professionals generally. No other statutes, articles, or codes are affected by the proposed amendment.

§322.5. Telehealth.

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

(e) Informed Consent. A physical therapist that provides telehealth services must obtain and maintain the informed consent of the patient, or of another individual authorized to make health care treatment decisions for the patient, prior to the provision of telehealth services.

(1) The informed consent must include the patient's consent to:

(A) treatment;

(B) data collection; and

(C) data sharing.

(2) Consent documentation is acceptable either in written format or verbally.

(A) Informed consent obtained verbally must be documented in the patient's medical record and must include the date that the verbal consent is given.

(B) If the informed consent is provided by a responsible party of the patient, the name and relationship to the patient must be included.

(3) The informed consent must be retained as part of the patient's medical record.

(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.

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

TRD-202502829

Ralph Harper

Executive Director

Texas Board of Physical Therapy Examiners

Earliest possible date of adoption: September 21, 2025

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



CHAPTER 329. LICENSING PROCEDURE

22 TAC §329.1, §329.7

The Texas Board of Physical Therapy Examiners (Board) proposes amending 22 TAC §329.1(a)(2) relating to the exemption of the non-refundable application fee for active U.S. military service members, military spouses, or military veterans. Additionally, the Board proposes amending 22 TAC §329.7(b)(5) and (c) relating to exemptions from licensure for active military service members and military spouses and relating to a license in good standing with another state's licensing authority.

Specifically, the amendment to §329.1(a)(2) corrects an omission of military spouses from exemption of the non-refundable application fee, and the amendment to §329.7(b)(5) and (c) align with the changes to Texas Occupations Code §55.0041 effective September 1, 2025 and to the provisions in 50 USC 4025a: Portability of professional licenses of servicemembers and their spouses.

The following amendments are necessary to implement changes to Texas Occupations Code §55.004 and §55.0041 pursuant to Tex. H.B. 5629, 89th R.S. (2025) relating to the occupational licensing of military service members, military veterans, and military spouses.

Fiscal Note

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

Public Benefits and Costs

Mr. Harper has determined that for the first five-year period these amendments are in effect, the public benefit will be greater access to physical therapy services by providing military service members and military spouses licensure through recognition of their out-of-state license. Additionally, there will be no cost to the public with the implementation of these amendments.

Local Employment Economic Impact Statement

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

Small and Micro-Businesses and Rural Communities Impact

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

Government Growth Impact Statement

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

- (1) The proposed rule amendments will neither create nor eliminate a government program.
- (2) The proposed rule amendments will neither create new employee positions nor eliminate existing employee positions.
- (3) The proposed rule amendments will neither increase nor decrease future legislative appropriations to the agency.
- (4) The proposed rule amendments will require neither an increase nor a decrease in fees paid to the agency.
- (5) The proposed rule amendments do not create a new regulation.
- (6) The proposed rule amendments will neither repeal nor limit an existing regulation.
- (7) The proposed rule amendments will not increase individuals subject to the rule's applicability.
- (8) The proposed rule amendments will neither positively nor adversely affect this state's economy.

Takings Impact Assessment

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

Requirement for Rule Increasing Costs to Regulated Persons

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

Public Comment

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

Statutory Authority

The Board proposes amendments to §329.1. General Licensure Requirements and Procedures and §329.7. Exemptions from Licensure pursuant to Tex. H.B. 5629, 89th R.S. (2025) relating to the occupational licensing of military service members, military veterans, and military spouses. The Board also proposes these amendments pursuant to Texas Occupations Code § 453.102, which authorizes the Board to adopt rules necessary to implement chapter 453, Occupations Code.

Cross-reference to Statute

The Board proposes the amendments to §329.1 and §329.7 under Texas Occupations Code §55.004 and §55.0041 pertaining to alternative licensing for military service members, military vet-

erans, and military spouses and to the recognition of out-of-state license of military service members and military spouses. No other statutes, articles, or codes are affected by the proposed amendments.

§329.1. *General Licensure Requirements and Procedures.*

(a) Requirements. All applications for licensure shall include:

(1) a completed board application form with a recent color photograph of the applicant;

(2) the non-refundable application fee as set by the executive council; the application fee of applicants who are active U.S. military service members, military spouses, or military veterans will be waived upon submission of official documentation of the active duty, military spouse, or veteran status of the applicant.

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

(b) - (i) (No change.)

§329.7. *Exemptions from Licensure.*

(a) (No change.)

(b) The following categories of individuals practicing physical therapy in the state are exempt from licensure by the board and must notify the board of their intent to practice in the state.

(1) - (4) (No change.)

(5) A physical therapist or physical therapist assistant licensed in good standing in another jurisdiction of the U.S. who is a military service member or military spouse for the period during which the military service member to whom the military spouse is married is stationed at a military installation in Texas.

(A) The military service member or military spouse must submit an application [~~written notification~~] including the following:

(i) [~~proof of the military service member or military spouse's residency in this state including~~] a copy of the member's military orders showing relocation to this state [~~permanent change of station order for the military service member to whom the spouse is married~~];

(ii) a copy of the [~~military service member or~~] military spouse's marriage license if the applicant is a military spouse [~~military identification card~~]; and

(iii) a notarized affidavit affirming under penalty of perjury that: [~~a list of the jurisdictions in which the military service member or military spouse has held or currently holds a license.~~]

(I) the applicant is the person described and identified in the application;

(II) all statements in the application are true, correct, and complete;

(III) the applicant understands the scope of practice for the physical therapy or physical therapist assistant license in this state and will not perform outside of that scope of practice; and

(IV) the applicant is in good standing in each state in which the applicant holds or has held an applicable license.

(B) Not later than the 10th business day after the date the board receives an application, the board will notify the applicant that: [~~The board will issue a written confirmation stating that:~~]

(i) the board recognizes the applicant's out-of-state license; [licensure in other jurisdictions has been verified;]

(ii) the application is incomplete; or [the military service member or military spouse is authorized to practice physical therapy in the state; and]

(iii) the board is unable to recognize the applicant's out-of-state license because the board does not issue a license similar in scope of practice to the applicant's license. [authorization does not exceed three years from the date the confirmation is received.]

(C) This exemption establishes requirements and procedures authorized or required by Texas Occupations Code, Chapter 55, and does not modify or alter rights that might be provided under federal law.

(c) For individuals exempt from licensure under subsection (b) of this section, the following applies:

(1) any jurisdiction of the U.S. that licenses physical therapists and physical therapist assistants is deemed to have substantially equivalent requirements for licensure;

(2) verification of licensure in other jurisdictions may be through online primary source verification; [~~and~~]

(3) the individual must comply with all of the laws and regulations applicable to the provision of physical therapy in Texas; [~~and~~]

(4) a person is in good standing with another state's licensing authority if the person:

(A) holds a license that is current, has not been suspended or revoked, and has not been voluntarily surrendered during an investigation for unprofessional conduct;

(B) has not been disciplined by the licensing authority with respect to the license or person's practice of the occupation for which the license is issued; and

(C) is not currently under investigation by the licensing authority for unprofessional conduct related to the person's license or profession.

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 August 8, 2025.

TRD-202502830

Ralph Harper

Executive Director

Texas Board of Physical Therapy Examiners

Earliest possible date of adoption: September 21, 2025

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



CHAPTER 341. LICENSE RENEWAL

22 TAC §341.2

The Texas Board of Physical Therapy Examiners (Board) proposes amending 22 TAC §341.2(h) relating to the development and maintenance of an online repository for storing and tracking of continuing competence activities as part of any Request for Approval (RFP) for the continuing competence approval program.

The following amendment is in response to the provision in Tex. S.B. 912, 89th R.S. (2025) that allows a licensing entity that has an agreement in place with a continuing education tracking system provider that is able to implement the requirements of Sub-

chapter C, Chapter 112, Occupations Code may maintain that agreement and any costs associated with implementation of the agreement.

The Board has a Memorandum of Understanding (MOU) with the Texas Physical Therapy Association (TPTA) as the result of an RFP in 2018 and 2022 to develop, administer, and maintain a continuing competence approval system including an on-line repository for storing and tracking of continuing competence completion documents by licensees of Texas.

Fiscal Note

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

Public Benefits and Costs

Mr. Harper has determined that for the first five-year period the amendment is in effect, the public benefit will be assurance that the continuing competence activities of licensees can be tracked for compliance with the renewal requirement. Additionally, there will be no cost to the public with the implementation of the amendment.

Local Employment Economic Impact Statement

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

Small and Micro-Businesses and Rural Communities Impact

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

Government Growth Impact Statement

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

- (1) The proposed rule amendment will neither create nor eliminate a government program.
- (2) The proposed rule amendment will neither create new employee positions nor eliminate existing employee positions.
- (3) The proposed rule amendment will neither increase nor decrease future legislative appropriations to the agency.
- (4) The proposed rule amendment will require neither an increase nor a decrease in fees paid to the agency.
- (5) The proposed rule amendment does not create a new regulation.
- (6) The proposed rule amendment will neither repeal nor limit an existing regulation.
- (7) The proposed rule amendment will not increase individuals subject to the rule's applicability.
- (8) The proposed rule amendment will neither positively nor adversely affect this state's economy.

Takings Impact Assessment

The proposed rule amendment will not impact private real property as defined by Tex. Gov't Code §2007.003, so a takings im-

pact assessment under Tex. Gov't Code §2001.043 is not required.

Requirement for Rule Increasing Costs to Regulated Persons

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

Public Comment

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

Statutory Authority

The Board also proposes the amendment pursuant to Texas Occupations Code § 453.102, which authorizes the Board to adopt rules necessary to implement chapter 453, Occupations Code.

Cross-reference to Statute

The Board proposes the amendment to §341.2 pursuant to Tex. S.B. 912, 89th R.S. (2025) that allows a licensing entity that has an agreement in place with a continuing education tracking system provider that is able to implement the requirements of Subchapter C, Chapter 112, Occupations Code may maintain that agreement and any costs associated with implementation of the agreement.

§341.2. Continuing Competence Requirements.

(a) - (g) (No change.)

(h) If the board chooses to authorize an organization(s) to approve continuing competence activities, the board shall select an appropriate organization(s) pursuant to §323.4 of this title, Request for Proposals for Outsourced Services.

(1) Any Request for Proposal (RFP) conducted in accordance with this subsection must include development and maintenance of an online repository for storing and tracking of continuing competence activities and completion documents by licensees of Texas as a required element of the Scope of Work.

(2) The above-described online repository for continuing education tracking must comply with the requirements in Texas Occupations Code Chapter 112, Subchapter C.

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 August 8, 2025.

TRD-202502831

Ralph Harper

Executive Director

Texas Board of Physical Therapy Examiners

Earliest possible date of adoption: September 21, 2025

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



TITLE 28. INSURANCE

PART 1. TEXAS DEPARTMENT OF INSURANCE

CHAPTER 3. LIFE, ACCIDENT, AND HEALTH INSURANCE AND ANNUITIES

SUBCHAPTER S. MINIMUM STANDARDS AND BENEFITS AND READABILITY FOR INDIVIDUAL ACCIDENT AND HEALTH INSURANCE POLICIES

28 TAC §3.3052

The Texas Department of Insurance (TDI) proposes to amend 28 TAC §3.3052, concerning standards for termination of insurance provision. The amendment to §3.3052 implements House Bill 446, 88th Legislature, 2023.

EXPLANATION. Section 3.3052 implements Insurance Code §1201.059 as amended by HB 446. Section 1201.059 addresses termination of coverage based on a child's age in an accident and health insurance plan. The proposed amendment to §3.3052 replaces the term "mental retardation" in subsection (h)(1) with "intellectual disability," in alignment with HB 446, which updated references to "mental retardation" in the Insurance Code.

In a separate rulemaking, as part of the implementation of HB 446, TDI proposes to amend 28 TAC §19.1703 and §19.2003, concerning utilization reviews for health care, to similarly update references to "mental retardation." The proposed Chapter 19 amendments are also published in this issue of the *Texas Register*.

In addition, the proposed amendments include nonsubstantive rule drafting and formatting changes to conform the section to the agency's current style and to improve the rule's clarity. These changes include adding a comma in subsection (b)(1) after "Medical" in the reference to the heading for §3.3038 to conform the reference to the current heading, correcting capitalization of "coverage" in subsection (b)(2)(A) and (B), inserting the titles of cited Insurance Code provisions in subsections (b)(2)(B) and (d) and punctuation revisions related to the change in subsection (b)(2)(B), and adding a comma in subsections (b)(2)(A) and in (f).

FISCAL NOTE AND LOCAL EMPLOYMENT IMPACT STATEMENT. Rachel Bowden, director of Regulatory Initiatives in the Life and Health Division, has determined that during each year of the first five years the proposed amendments are in effect, there will be no measurable fiscal impact on state and local governments as a result of enforcing or administering the amendments, other than that imposed by statute. Ms. Bowden made this determination because the proposed amendments do not add to or decrease state revenues or expenditures, and because local governments are not involved in enforcing or complying with the proposed amendments.

Ms. Bowden does not anticipate any measurable effect on local employment or the local economy as a result of this proposal.

PUBLIC BENEFIT AND COST NOTE. For each year of the first five years the proposed amendments are in effect, Ms. Bowden expects that administering or enforcing the proposed amendments will have the public benefit of ensuring that TDI's rules align with changes made by HB 446.

Ms. Bowden expects that the proposed amendments will not increase the cost of compliance because they do not impose any requirements.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS. TDI has determined that the proposed amendments will not have an adverse economic effect on small or micro businesses or on rural communities because the amendments merely update statutory language by replacing an out-of-date term and make other nonsubstantive changes that do not affect costs. As a result, and in accordance with Government Code §2006.002(c), TDI is not required to prepare a regulatory flexibility analysis.

EXAMINATION OF COSTS UNDER GOVERNMENT CODE §2001.0045. TDI has determined that this proposal does not impose a possible cost on regulated persons. Therefore, no additional rule amendments are required under Government Code §2001.0045.

GOVERNMENT GROWTH IMPACT STATEMENT. TDI has determined that for each year of the first five years that the proposed amendments are in effect, the proposed rule:

- will not create or eliminate a government program;
- will not require the creation of new employee positions or the elimination of existing employee positions;
- will not require an increase or decrease in future legislative appropriations to the agency;
- will not require an increase or decrease in fees paid to the agency;
- will not create a new regulation;
- will not expand, limit, or repeal an existing regulation;
- will not increase or decrease the number of individuals subject to the rule's applicability; and
- will not positively or adversely affect the Texas economy.

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

REQUEST FOR PUBLIC COMMENT. TDI will consider any written comments on the proposal that are received by TDI no later than 5:00 p.m., central time, on September 22, 2025. Send your comments to ChiefClerk@tdi.texas.gov or to the Office of the Chief Clerk, MC: GC-CCO, Texas Department of Insurance, P.O. Box 12030, Austin, Texas 78711-2030.

To request a public hearing on the proposal, submit a request before the end of the comment period to ChiefClerk@tdi.texas.gov or to the Office of the Chief Clerk, MC: GC-CCO, Texas Department of Insurance, P.O. Box 12030, Austin, Texas 78711-2030. The request for public hearing must be separate from any comments and received by TDI no later than 5:00 p.m., central time, on September 22, 2025. If a public hearing is held, TDI will consider written and oral comments presented at the hearing.

STATUTORY AUTHORITY. TDI proposes amendments to §3.3052 under Insurance Code §1201.006 and §36.001.

Insurance Code §1201.006 authorizes the commissioner to adopt reasonable rules as necessary to implement the purposes and provisions of Chapter 1201.

Insurance Code §36.001 provides that the commissioner may adopt any rules necessary and appropriate to implement the powers and duties of TDI under the Insurance Code and other laws of this state.

CROSS-REFERENCE TO STATUTE. The amendment of §3.3052 implements Insurance Code §1201.059.

§3.3052. Standards for Termination of Insurance Provision.

(a) A policy subject to this subchapter must include termination provisions that specify as to each eligible family member, as set out in §3.3051 of this title (relating to Initial and Subsequent Conditions of Eligibility Provision), the age, or event, if any, upon which coverage under the policy will terminate.

(b) In regard to individual hospital, medical or surgical coverage, a policy may only contain the following bases for termination of coverage:

(1) the bases for nonrenewal contained in §3.3038 of this title (relating to Mandatory Guaranteed Renewability Provisions for Individual Hospital, Medical, or Surgical Coverage; Exceptions);

(2) in regard to policies covering a spouse of the primary insured or dependents:

(A) coverage [Coverage] of the spouse may terminate upon the dissolution of the marriage through divorce or other lawful means, subject to this section, §21.407 of this title (relating to Continuation of Coverage), and other applicable law; and

(B) coverage [Coverage] of a dependent may terminate upon the dependent's attainment of a limiting age, subject to Insurance Code §1201.059, concerning Termination of Coverage Based on Age of Child in Individual, Blanket, or Group Policy; this section;[5] and other applicable law.

(c) A policy containing noncancellable, guaranteed renewable or limited guarantee of renewability provisions may not provide for termination of coverage of the spouse solely because of the occurrence of an event specified for termination of coverage of the insured, other than nonpayment of premium. The provision must stipulate that in the event of the insured's death the spouse of the insured, if covered under the policy, will become the insured.

(d) The provision must stipulate that if the insurer accepts premium for coverage extending beyond the date, age, or event specified for termination as to an insured family member, then coverage as to such person will continue during the period for which an identifiable premium was accepted, except where such acceptance was predicated on a misstatement of age outlined in Insurance Code §1201.011, concerning Coverage for Premium Period with Limitations by Age or Date; Misstatement of Age of Insured.

(e) In the event of cancellation by the insurer or refusal to renew by the insurer of a policy providing pregnancy benefits, the provision must provide for an extension of benefits as to pregnancy commencing while the policy is in force and for which benefits would have been payable had the policy continued in force.

(f) The provision must stipulate that termination of the policy by the insurer will be without prejudice to any continuous loss which commenced while the policy was in force, but the extension of benefits beyond the period the policy was in force may be predicated upon the continuous total disability of the insured person limited to the duration

of the policy benefit period, payment of the maximum benefits, or to a time period of not less than three months.

(g) The provision may provide for the termination or suspension of family members who become eligible for coverage provided by the federal government.

(h) A policy may not provide for termination of coverage of a dependent child on attainment of the limiting age for dependent children specified in the policy while the child is:

(1) incapable of self-sustaining employment due to intellectual disability [~~mental retardation~~] or physical handicap; and

(2) chiefly dependent upon the insured for support and maintenance. Proof of the incapacity and dependency must be furnished to the insurer by the insured within 31 days of the child's attainment of the limiting age and subsequently as may be required but not more frequently than annually after the two-year period following the child's attainment of the limiting age. Upon the attainment of the limiting age, the applicable adult premium may be charged.

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 August 5, 2025.

TRD-202502762

Jessica Barta

General Counsel

Texas Department of Insurance

Earliest possible date of adoption: September 21, 2025

For further information, please call: (512) 676-6655



CHAPTER 19. LICENSING AND REGULATION OF INSURANCE PROFESSIONALS

The Texas Department of Insurance (TDI) proposes to amend 28 TAC §19.1703 and §19.2003, concerning utilization reviews for health care. The amendments to §19.1703 and §19.2003 implement House Bill 446, 88th Legislature, 2023.

EXPLANATION. Section 19.1703 and §19.2003 provide definitions for TDI rules relating to utilization reviews for health care provided under a health plan or workers' compensation insurance coverage, including the definition of the term "person." The amendments to §19.1703 and §19.2003 update the definition of "person" in §19.1703(b)(22) and §19.2003(b)(25) to replace the words "mental retardation" with "intellectual disability," in alignment with HB 446, which updated the definition of "person" in Insurance Code §1305.004.

In a separate rulemaking, as part of the implementation of HB 446, TDI proposes to amend 28 TAC §3.3052, concerning standards for termination of insurance provision, to similarly update references to the term "mental retardation." The proposed Chapter 3 amendments are also published in this issue of the *Texas Register*.

In addition, the proposed amendments include nonsubstantive rule drafting and formatting changes to conform the sections to the agency's current style and to improve the rules' clarity.

In §19.1703, these changes include inserting the titles of cited Insurance Code provisions in subsections (a), (b)(5), (b)(6)(A), (b)(14), (b)(22), and (b)(24)(A) and necessary punctuation

updates related to the change in subsection (b)(22); inserting the title of a cited Government Code provision in subsection (b)(17)(A); italicizing *Diagnostic and Statistical Manual of Mental Disorders* in subsection (b)(21); changing "prior to" to "before" in subsection (b)(26)(A) - (C) for plain language purposes; and changing "re-certification" to "recertification" in subsection (b)(35).

In §19.2003, these changes include inserting the titles of cited Insurance Code provisions in subsections (a), (b)(5), (b)(7)(A), (b)(25), (b)(39), and (b)(43); inserting the titles of cited Labor Code provisions in subsections (b)(2), (b)(6), and (b)(40); inserting the title of a cited Government Code provision in subsection (b)(16)(A); adding a comma in subsection (b)(2); italicizing *Diagnostic and Statistical Manual of Mental Disorders* in subsection (b)(22); changing "prior to" to "before" in subsection (b)(28)(A) - (C) for plain language purposes; and removing an incorrect comma in subsection (b)(30).

FISCAL NOTE AND LOCAL EMPLOYMENT IMPACT STATEMENT. Rachel Bowden, director of Regulatory Initiatives in the Life and Health Division, has determined that during each year of the first five years the proposed amendments are in effect, there will be no measurable fiscal impact on state and local governments as a result of enforcing or administering the amendments, other than that imposed by statute. Ms. Bowden made this determination because the proposed amendments do not add to or decrease state revenues or expenditures, and because local governments are not involved in enforcing or complying with the proposed amendments.

Ms. Bowden does not anticipate measurable effect on local employment or the local economy as a result of this proposal.

PUBLIC BENEFIT AND COST NOTE. For each year of the first five years the proposed amendments are in effect, Ms. Bowden expects that administering or enforcing the proposed amendments will have the public benefit of ensuring that TDI's rules align with changes made by HB 446.

Ms. Bowden expects that the proposed amendments will not increase the cost of compliance because they do not impose requirements.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS. TDI has determined that the proposed amendments will not have an adverse economic effect on small or micro businesses or on rural communities because the amendments merely update statutory language by replacing an out-of-date term and make other nonsubstantive changes that do not affect costs. As a result, and in accordance with Government Code §2006.002(c), TDI is not required to prepare a regulatory flexibility analysis.

EXAMINATION OF COSTS UNDER GOVERNMENT CODE §2001.0045. TDI has determined that this proposal does not impose a possible cost on regulated persons. Therefore, no additional rule amendments are required under Government Code §2001.0045.

GOVERNMENT GROWTH IMPACT STATEMENT. TDI has determined that for each year of the first five years that the proposed amendments are in effect, the proposed rule:

- will not create or eliminate a government program;
- will not require the creation of new employee positions or the elimination of existing employee positions;

- will not require an increase or decrease in future legislative appropriations to the agency;
- will not require an increase or decrease in fees paid to the agency;
- will not create a new regulation;
- will not expand, limit, or repeal an existing regulation;
- will not increase or decrease the number of individuals subject to the rule's applicability; and
- will not positively or adversely affect the Texas economy.

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

REQUEST FOR PUBLIC COMMENT. TDI will consider any written comments on the proposal that are received by TDI no later than 5:00 p.m., central time, on September 22, 2025. Send your comments to ChiefClerk@tdi.texas.gov or to the Office of the Chief Clerk, MC: GC-CCO, Texas Department of Insurance, P.O. Box 12030, Austin, Texas 78711-2030.

To request a public hearing on the proposal, submit a request before the end of the comment period to ChiefClerk@tdi.texas.gov or to the Office of the Chief Clerk, MC: GC-CCO, Texas Department of Insurance, P.O. Box 12030, Austin, Texas 78711-2030. The request for public hearing must be separate from any comments and received by TDI no later than 5:00 p.m., central time, on September 22, 2025. If a public hearing is held, TDI will consider written and oral comments presented at the hearing.

SUBCHAPTER R. UTILIZATION REVIEWS FOR HEALTH CARE PROVIDED UNDER A HEALTH BENEFIT PLAN OR HEALTH INSURANCE POLICY DIVISION 1. UTILIZATION REVIEWS

28 TAC §19.1703

STATUTORY AUTHORITY. TDI proposes amendments to §19.1703 under Insurance Code §4201.003 and §36.001.

Insurance Code §4201.003 provides that the commissioner may adopt rules to implement Chapter 4201.

Insurance Code §36.001 provides that the commissioner may adopt any rules necessary and appropriate to implement the powers and duties of TDI under the Insurance Code and other laws of this state.

CROSS-REFERENCE TO STATUTE. Section 19.1703 implements Insurance Code §1305.004.

§19.1703. Definitions.

(a) The words and terms defined in Insurance Code Chapter 4201, concerning Utilization Review Agents, have the same meaning when used in this subchapter, except as otherwise provided by this subchapter, unless the context clearly indicates otherwise.

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

(1) Adverse determination--A determination by a URA made on behalf of any payor that the health care services provided or proposed to be provided to an enrollee are not medically necessary or appropriate or are experimental or investigational. The term does not include a denial of health care services due to the failure to request prospective or concurrent utilization review.

(2) Appeal--A URA's formal process by which an enrollee, an individual acting on behalf of an enrollee, or an enrollee's provider of record may request reconsideration of an adverse determination.

(3) Biographical affidavit--National Association of Insurance Commissioners biographical affidavit to be used as an attachment to the URA application.

(4) Certificate--A certificate issued by the commissioner to an entity authorizing the entity to operate as a URA in the State of Texas. A certificate is not issued to an insurance carrier or health maintenance organization that is registered as a URA under §19.1704 of this title (relating to Certification or Registration of URAs).

(5) Commissioner--As defined in Insurance Code §31.001, concerning Definitions.

(6) Complaint--An oral or written expression of dissatisfaction with a URA concerning the URA's process in conducting a utilization review. The term "complaint" does not include:

(A) an expression of dissatisfaction constituting an appeal under Insurance Code §4201.351, concerning Complaint as Appeal; or

(B) a misunderstanding or misinformation that is resolved promptly by supplying the appropriate information or by clearing up the misunderstanding to the satisfaction of the complaining party.

(7) Concurrent utilization review--A form of utilization review for ongoing health care or for an extension of treatment beyond previously approved health care.

(8) Declination--A response to a request for verification in which an HMO or preferred provider benefit plan does not issue a verification for proposed medical care or health care services. A declination is not necessarily a determination that a claim resulting from the proposed services will not ultimately be paid.

(9) Disqualifying association--Any association that may reasonably be perceived as having potential to influence the conduct or decision of a reviewing physician, doctor, or other health care provider, which may include:

(A) shared investment or ownership interest;

(B) contracts or agreements that provide incentives, for example, referral fees, payments based on volume or value, or waiver of beneficiary coinsurance and deductible amounts;

(C) contracts or agreements for space or equipment rentals, personnel services, management contracts, referral services, warranties, or any other services related to the management of a physician's, doctor's, or other health care provider's practice;

(D) personal or family relationships; or

(E) any other financial arrangement that would require disclosure under the Insurance Code or applicable TDI rules, or any other association with the enrollee, employer, insurance carrier, or HMO that may give the appearance of preventing the reviewing physician, doctor, or other health care provider from rendering an unbiased opinion.

(10) Doctor--A doctor of medicine, osteopathic medicine, optometry, dentistry, podiatry, or chiropractic who is licensed and authorized to practice.

(11) Experimental or investigational--A health care treatment, service, or device for which there is early, developing scientific or clinical evidence demonstrating the potential efficacy of the treatment, service, or device[;] but that is not yet broadly accepted as the prevailing standard of care.

(12) Health care facility--A hospital, emergency clinic, outpatient clinic, or other facility providing health care.

(13) Health coverage--Payment for health care services provided under a health benefit plan or a health insurance policy.

(14) Health maintenance organization or HMO--As defined in Insurance Code §843.002, concerning Definitions.

(15) Insurance carrier or insurer--An entity authorized and admitted to do the business of insurance in Texas under a certificate of authority issued by TDI.

(16) Independent review organization or IRO--As defined in §12.5 of this title (relating to Definitions).

(17) Legal holiday--

(A) a holiday as provided in Government Code §662.003(a), concerning Dates and Descriptions of Holidays;

(B) the Friday after Thanksgiving Day;

(C) December 24; and

(D) December 26.

(18) Medical records--The history of diagnosis and treatment, including medical, mental health records as allowed by law, dental, and other health care records from all disciplines providing care to an enrollee.

(19) Mental health medical record summary--A summary of process or progress notes relevant to understanding the enrollee's need for treatment of a mental or emotional condition or disorder, including:

(A) identifying information; and

(B) a treatment plan that includes a:

(i) diagnosis;

(ii) treatment intervention;

(iii) general characterization of enrollee behaviors or thought processes that affect level of care needs; and

(iv) discharge plan.

(20) Mental health therapist--Any of the following individuals who, in the ordinary course of business or professional practice, as appropriate, diagnose, evaluate, or treat any mental or emotional condition or disorder:

(A) an individual licensed by the Texas Medical Board to practice medicine in this state;

(B) an individual licensed as a psychologist, a psychological associate, or a specialist in school psychology by the Texas State Board of Examiners of Psychologists;

(C) an individual licensed as a marriage and family therapist by the Texas State Board of Examiners of Marriage and Family Therapists;

(D) an individual licensed as a professional counselor by the Texas State Board of Examiners of Professional Counselors;

(E) an individual licensed as a social worker by the Texas State Board of Social Worker Examiners;

(F) an individual licensed as a physician assistant by the Texas Medical Board;

(G) an individual licensed as a registered professional nurse by the Texas Board of Nursing; or

(H) any other individual who is licensed or certified by a state licensing board in the State of Texas, as appropriate, to diagnose, evaluate, or treat any mental or emotional condition or disorder.

(21) Mental or emotional condition or disorder--A mental or emotional illness as detailed in the most current *Diagnostic and Statistical Manual of Mental Disorders* [Diagnostic and Statistical Manual of Mental Disorders].

(22) Person--Any individual;[;] partnership;[;] association;[;] corporation;[;] organization;[;] trust;[;] hospital district;[;] community mental health center;[;] intellectual disability [mental retardation] center;[;] mental health and intellectual disability [mental retardation] center;[;] limited liability company;[;] limited liability partnership;[;] the statewide rural health care system under Insurance Code Chapter 845, concerning Statewide Rural Health Care System; and any similar entity.

(23) Preauthorization--A form of prospective utilization review by a payor or its URA of health care services proposed to be provided to an enrollee.

(24) Preferred provider--

(A) with regard to a preferred provider benefit plan, a preferred provider as defined in Insurance Code Chapter 1301, concerning Preferred Provider Benefit Plans.

(B) with regard to an HMO:

(i) a physician, as defined in Insurance Code §843.002(22), who is a member of that HMO's delivery network; or

(ii) a provider, as defined in Insurance Code §843.002(24), who is a member of that HMO's delivery network.

(25) Provider of record--The physician, doctor, or other health care provider that has primary responsibility for the health care services rendered or requested on behalf of the enrollee or the physician, doctor, or other health care provider that has rendered or has been requested to provide the health care services to the enrollee. This definition includes any health care facility where health care services are rendered on an inpatient or outpatient basis.

(26) Reasonable opportunity--At least one documented good faith attempt to contact the provider of record that provides an opportunity for the provider of record to discuss the services under review with the URA during normal business hours before [prior to] issuing a prospective, concurrent, or retrospective utilization review adverse determination:

(A) no less than one working day before [prior to] issuing a prospective utilization review adverse determination;

(B) no less than five working days before [prior to] issuing a retrospective utilization review adverse determination; or

(C) before [prior to] issuing a concurrent or post-stabilization review adverse determination.

(27) Registration--The process for a licensed insurance carrier or HMO to register with TDI to perform utilization review solely for its own enrollees.

(28) Request for a review by an IRO--Form to request a review by an independent review organization that is completed by the requesting party and submitted to the URA.

(29) Retrospective utilization review--A form of utilization review for health care services that have been provided to an enrollee. Retrospective utilization review does not include review of services for which prospective or concurrent utilization reviews were previously conducted or should have been previously conducted.

(30) Routine vision services--A routine annual or biennial eye examination to determine ocular health and refractive conditions that may include provision of glasses or contact lenses.

(31) Screening criteria--The written policies, decision rules, medical protocols, or treatment guidelines used by the URA as part of the utilization review process.

(32) TDI--The Texas Department of Insurance.

(33) URA--Utilization review agent.

(34) URA application--Form for application for, renewal of, and reporting a material change to a certification or registration as a URA in this state.

(35) Verification--A guarantee by an HMO or preferred provider benefit plan that the HMO or preferred provider benefit plan will pay for proposed medical care or health care services if the services are rendered within the required timeframe to the enrollee for whom the services are proposed. The term includes pre-certification, certification, recertification [re-certification], and any other term that would be a reliable representation by an HMO or preferred provider benefit plan to a physician or provider if the request for the pre-certification, certification, recertification [re-certification], or representation includes the requirements of §19.1719 of this title (relating to Verification for Health Maintenance Organizations and Preferred Provider Benefit Plans).

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Jessica Barta

General Counsel

Texas Department of Insurance

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For further information, please call: (512) 676-6655



SUBCHAPTER U. UTILIZATION REVIEWS FOR HEALTH CARE PROVIDED UNDER WORKERS' COMPENSATION INSURANCE COVERAGE

28 TAC §19.2003

STATUTORY AUTHORITY. TDI proposes §19.2003 under Insurance Code §§1305.007, 4201.003, and 36.001.

Insurance Code §1305.007 provides that the commissioner may adopt rules as necessary to implement Chapter 1305.

Insurance Code §4201.003 provides that the commissioner may adopt rules to implement Chapter 4201.

Insurance Code §36.001 provides that the commissioner may adopt any rules necessary and appropriate to implement the powers and duties of TDI under the Insurance Code and other laws of this state.

CROSS-REFERENCE TO STATUTE. Section 19.2003 implements Insurance Code §1305.004.

§19.2003. Definitions.

(a) The words and terms defined in Insurance Code Chapter 4201, concerning Utilization Review Agents, have the same meaning when used in this subchapter, except as otherwise provided by this subchapter, unless the context clearly indicates otherwise.

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

(1) Adverse determination--A determination by a URA made on behalf of a payor that the health care services provided or proposed to be provided to an injured employee are not medically necessary or appropriate. The term does not include a denial of health care services due to the failure to request prospective or concurrent utilization review. For the purposes of this subchapter, an adverse determination does not include a determination that health care services are experimental or investigational.

(2) Appeal--The URA's formal process by which an injured employee, an injured employee's representative, or an injured employee's provider of record may request reconsideration of an adverse determination. For the purposes of this subchapter, the term also applies to reconsideration processes prescribed by Labor Code Title 5, concerning Workers' Compensation, and applicable rules for workers' compensation.

(3) Biographical affidavit--National Association of Insurance Commissioners biographical affidavit to be used as an attachment to the URA application.

(4) Certificate--A certificate issued by the commissioner to an entity authorizing the entity to operate as a URA in the State of Texas. A certificate is not issued to an insurance carrier that is registered as a URA under §19.2004 of this title (relating to Certification or Registration of URAs).

(5) Commissioner--As defined in Insurance Code §31.001, concerning Definitions.

(6) Compensable injury--As defined in Labor Code §401.011, concerning General Definitions.

(7) Complaint--An oral or written expression of dissatisfaction with a URA concerning the URA's process in conducting a utilization review. The term "complaint" does not include:

(A) an expression of dissatisfaction constituting an appeal under Insurance Code §4201.351, concerning Complaint as Appeal; or

(B) a misunderstanding or misinformation that is resolved promptly by supplying the appropriate information or by clearing up the misunderstanding to the satisfaction of the complaining party.

(8) Concurrent utilization review--A form of utilization review for ongoing health care or for an extension of treatment beyond previously approved health care.

(9) Disqualifying association--Any association that may reasonably be perceived as having potential to influence the conduct or decision of a reviewing physician, doctor, or other health care provider, which may include:

(A) shared investment or ownership interest;

(B) contracts or agreements that provide incentives, for example, referral fees, payments based on volume or value, or waiver of beneficiary coinsurance and deductible amounts;

(C) contracts or agreements for space or equipment rentals, personnel services, management contracts, referral services, or warranties, or any other services related to the management of a physician's, doctor's, or other health care provider's practice;

(D) personal or family relationships; or

(E) any other financial arrangement that would require disclosure under Labor Code or applicable TDI-DWC rules, Insurance Code or applicable TDI rules, or any other association with the injured employee, employer, or insurance carrier that may give the appearance of preventing the reviewing physician, doctor, or other health care provider from rendering an unbiased opinion.

(10) Doctor--As defined in Labor Code §401.011.

(11) Experimental or investigational--A health care treatment, service, or device for which there is early, developing scientific or clinical evidence demonstrating the potential efficacy of the treatment, service, or device but that is not yet broadly accepted as the prevailing standard of care.

(12) Health care--As defined in Labor Code §401.011.

(13) Health care facility--As defined in Labor Code §401.011.

(14) Insurance carrier or insurer--As defined in Labor Code §401.011.

(15) Independent review organization or IRO--As defined in §12.5 of this title (relating to Definitions).

(16) Legal holiday--

(A) a holiday as provided in Government Code §662.003(a), concerning Dates and Descriptions of Holidays;

(B) the Friday after Thanksgiving Day;

(C) December 24; and

(D) December 26.

(17) Medical benefit--As defined in Labor Code §401.011.

(18) Medical emergency--The sudden onset of a medical condition manifested by acute symptoms of sufficient severity, including severe pain that the absence of immediate medical attention could reasonably be expected to result in:

(A) placing the injured employee's health or bodily functions in serious jeopardy; or

(B) serious dysfunction of any body organ or part.

(19) Medical records--The history of diagnosis of and treatment for an injury, including medical, mental health records as allowed by law, dental, and other health care records from all disciplines providing care to an injured employee.

(20) Mental health medical record summary--A summary of process or progress notes relevant to understanding the injured employee's need for treatment of a mental or emotional condition or disorder including:

(A) identifying information; and

(B) a treatment plan that includes a:

(i) diagnosis;

(ii) treatment intervention;

(iii) general characterization of injured employee behaviors or thought processes that affect level of care needs; and

(iv) discharge plan.

(21) Mental health therapist--Any of the following individuals who, in the ordinary course of business or professional practice, as appropriate, diagnose, evaluate, or treat any mental or emotional condition or disorder:

(A) an individual licensed by the Texas Medical Board to practice medicine in this state;

(B) an individual licensed as a psychologist, psychological associate, or a specialist in school psychology by the Texas State Board of Examiners of Psychologists;

(C) an individual licensed as a marriage and family therapist by the Texas State Board of Examiners of Marriage and Family Therapists;

(D) an individual licensed as a professional counselor by the Texas State Board of Examiners of Professional Counselors;

(E) an individual licensed as a social worker by the Texas State Board of Social Worker Examiners;

(F) an individual licensed as a physician assistant by the Texas Medical Board;

(G) an individual licensed as a registered professional nurse by the Texas Board of Nursing; or

(H) any other individual who is licensed or certified by a state licensing board in the State of Texas, as appropriate, to diagnose, evaluate, or treat any mental or emotional condition or disorder.

(22) Mental or emotional condition or disorder--A mental or emotional illness as detailed in the most current *Diagnostic and Statistical Manual of Mental Disorders* [~~Diagnostic and Statistical Manual of Mental Disorders~~].

(23) Payor--Any person or entity that provides, offers to provide, or administers hospital, outpatient, medical, or other health benefits, including workers' compensation benefits, to an individual treated by a health care provider under a policy, plan, statute, or contract.

(24) Peer review--An administrative review by a health care provider performed at the insurance carrier's request without a physical examination of the injured employee.

(25) Person--Any individual, partnership, association, corporation, organization, trust, hospital district, community mental health center, intellectual disability [~~mental retardation~~] center, mental health and intellectual disability [~~mental retardation~~] center, limited liability company, limited liability partnership, a political subdivision of this state, the statewide rural health care system under Insurance Code Chapter 845, concerning Statewide Rural Health Care System, and any similar entity.

(26) Preauthorization--A form of prospective utilization review by a payor or a payor's URA of health care services proposed to be provided to an injured employee.

(27) Provider of record--The physician, doctor, or other health care provider that has primary responsibility for the health care services rendered or requested on behalf of an injured employee, or a physician, doctor, or other health care provider that has rendered or has been requested to provide health care services to an injured employee. This definition includes any health care facility where health care services are rendered on an inpatient or outpatient basis.

(28) Reasonable opportunity--At least one documented good faith attempt to contact the provider of record that provides an opportunity for the provider of record to discuss the services under review with the URA during normal business hours before [prior to] issuing a prospective, concurrent, or retrospective utilization review adverse determination:

(A) no less than one working day before [prior to] issuing a prospective utilization review adverse determination;

(B) no less than five working days before [prior to] issuing a retrospective utilization review adverse determination; or

(C) before [prior to] issuing a concurrent or post-stabilization review adverse determination.

(29) Registration--The process for an insurance carrier to register with TDI to perform utilization review solely for injured employees covered by workers' compensation insurance coverage issued by the insurance carrier.

(30) Request for a review by an IRO--Form to request a review by an independent review organization that is completed by the requesting party and submitted to the URA[,] or insurance carrier that made the adverse determination.

(31) Retrospective utilization review--A form of utilization review for health care services that have been provided to an injured employee. Retrospective utilization review does not include review of services for which prospective or concurrent utilization reviews were previously conducted or should have been previously conducted.

(32) Screening criteria--The written policies, decision rules, medical protocols, or treatment guidelines used by a URA as part of the utilization review process.

(33) TDI--The Texas Department of Insurance.

(34) TDI-DWC--The Texas Department of Insurance, Division of Workers' Compensation.

(35) Texas Workers' Compensation Act--Labor Code Title 5, Subtitle A.

(36) Treating doctor--As defined in Labor Code §401.011.

(37) URA--Utilization review agent.

(38) URA application--Form for application for, renewal of, and reporting a material change to a certification or registration as a URA in this state.

(39) Workers' compensation health care network--As defined in Insurance Code §1305.004, concerning Definitions.

(40) Workers' compensation health plan--Health care provided by a political subdivision contracting directly with health care providers or through a health benefits pool, under Labor Code §504.053(b)(2), concerning Election.

(41) Workers' compensation insurance coverage--As defined in Labor Code §401.011.

(42) Workers' compensation network coverage--Health care provided under a workers' compensation health care network.

(43) Workers' compensation non-network coverage--Health care delivered under Labor Code Title 5, excluding health care provided under Insurance Code Chapter 1305, concerning Workers' Compensation Health Care Networks.

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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Jessica Barta

General Counsel

Texas Department of Insurance

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For further information, please call: (512) 676-6655



TITLE 34. PUBLIC FINANCE

PART 1. COMPTROLLER OF PUBLIC ACCOUNTS

CHAPTER 6. INVESTMENT MANAGEMENT

SUBCHAPTER B. STANDARDS FOR MEMBERS OF THE COMPTROLLER'S INVESTMENT ADVISORY BOARD

34 TAC §§6.10 - 6.18

The Comptroller of Public Accounts proposes new §6.10, concerning definitions; §6.11, concerning advisory capacity; §6.12, concerning advisory board member duties; §6.13, concerning advisory board composition; §6.14, concerning compensation and expenses; §6.15, concerning disclosures and annual affirmation of compliance; §6.16, concerning term of office; and §6.17, concerning charter and policies; and §6.18, concerning removal of advisory board members. These new sections will be located in Texas Administrative Code, Title 34, Part 1, Chapter 6 (Investment Management), new Subchapter B (Standards for Members of the Comptroller's Investment Advisory Board).

The legislation enacted within the last four years that provides the statutory authority for the rules is Senate Bill 2900, 89th Legislature, R.S., 2025. These new sections will address the standards for the members of the Comptroller's Investment Advisory Board, including disclosure requirements applicable to advisory board members.

Section 6.10 provides definitions.

Section 6.11 acknowledges the advisory nature of the role of the members of the advisory board.

Section 6.12 lists the advisory board member duties and responsibilities.

Section 6.13 provides the advisory board composition.

Section 6.14 addresses compensation and expense reimbursement for advisory board members.

Section 6.15 provides the advisory board member ethics disclosure requirements and related annual affirmation requirements.

Section 6.16 sets the term of office for advisory board members.

Section 6.17 provides the requirement for the trust company to create an advisory board charter and related policies and to provide such information to the advisory board members.

Section 6.18 provides standards for the removal of advisory board members for cause.

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

Mr. Reynolds also has determined that the proposed new rules would have no significant fiscal impact on the state government, units of local government, or individuals. The proposed new rules would benefit the public by conforming the rules to current statute and improving the clarity and implementation of the section. There would be no anticipated significant economic cost to the public. The proposed new rules would have no significant fiscal impact on small businesses or rural communities.

You may submit comments on the proposal to Whitney Blanton, General Counsel for the Texas Treasury Safekeeping Trust Company, 208 East 10th Street, Fourth Floor, Austin, Texas 78701. The comptroller must receive your comments no later than 30 days from the date of publication of the proposal in the *Texas Register*.

The new sections are proposed under Government Code, §404.028(c), which authorizes the comptroller to adopt rules governing members of the comptroller's investment advisory board.

The proposed new sections implement Government Code, §404.028 concerning the comptroller's investment advisory board.

§6.10. Definitions.

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

(1) Advisory Board--The comptroller's investment advisory board, established pursuant to Government Code, §404.028.

(2) Comptroller--The Texas Comptroller of Public Accounts.

(3) Trust Company--The Texas Treasury Safekeeping Trust Company, established pursuant to Government Code, Chapter 404, Subchapter G.

§6.11. Advisory Capacity.

The advisory board serves only in an advisory capacity and is not a fiduciary with respect to the assets held by the comptroller or the trust company.

§6.12. Advisory Board Member Duties.

(a) The advisory board will advise the comptroller and the trust company with respect to state assets held and invested pursuant to Government Code, Chapter 404, and other laws.

(b) The advisory board will advise, assist, consult with, and make recommendations to the comptroller, with respect to the investment activities carried out by and through the trust company and policies respecting these activities.

(c) The advisory board is also responsible for:

(1) advising the trust company's chief executive officer and/or chief investment officer;

(2) reviewing investment management strategies, asset allocation policies, and investment performance;

(3) providing advice regarding prudent investment management practices;

(4) providing advice regarding the integrity of the investment management process;

(5) reviewing results of required financial audits; and

(6) advising the comptroller with respect to trust company staffing and compensation matters.

§6.13. Advisory Board Composition.

The advisory board is composed of seven members who must possess the expertise appropriate for advising the comptroller with regard to one or more types of investment that the comptroller makes under Government Code, Chapter 404, or other law.

§6.14. Compensation; Expenses.

Members of the advisory board serve without compensation but are entitled to reimbursement for actual and necessary expenses in attending meetings of the advisory board or performing other official duties authorized by the comptroller.

§6.15. Disclosures and Annual Affirmation of Compliance.

(a) Each member shall disclose to the advisory board and the trust company any situation in which board member's judgment or conduct in the performance of the member's official duties for the comptroller or the trust company would be influenced, could be influenced, or would give the appearance of being influenced by the advisory board member's familial, personal, or business relationship with a third party, or any situation that would be deemed a conflict of interest under federal or state law.

(b) A member who discloses such a matter to the trust company or the comptroller shall abstain from any discussion or action on that matter presented to or considered by the advisory board.

(c) The trust company shall annually require advisory board members to affirm that they are in compliance with these requirements and the other applicable provisions of this subchapter and Government Code, Chapter 404.

§6.16. Term of Office.

The term of office of an advisory board member is four years. Advisory board members may serve more than one term. The comptroller may stagger advisory board member terms to maintain continuity and institutional knowledge.

§6.17. Charter and Policies.

The trust company shall develop and provide to each member of the advisory board the following:

(1) formal charter document providing the advisory board purpose, statement of relevant legal authority, and an overview of advisory board operations, advisory board structure and membership, and advisory board business and administration;

(2) policy on advisory board attendance and a process for responding to advisory board attendance concerns;

(3) policy on ethics disclosures and a process for determining whether issues require disclosures; and

(4) policy on reimbursement of expenses.

§6.18. Removal of Advisory Board Members.

The comptroller may remove an advisory board member for any of the following causes:

(1) at the time of the member's appointment, the member did not have the qualifications prescribed by §404.028;

(2) the member does not maintain the qualifications prescribed by Government Code, §404.028; or

(3) for a substantial portion of the member's term, the member fails to discharge the member's duties or is unable to discharge the member's duties.

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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Victoria North

General Counsel for Fiscal and Agency Affairs

Comptroller of Public Accounts

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



CHAPTER 16. COMPTROLLER GRANT PROGRAMS

SUBCHAPTER E. EDUCATION SAVINGS ACCOUNT PROGRAM

34 TAC §§16.401 - 16.410

The Comptroller of Public Accounts proposes new §16.401, concerning definitions; §16.402, concerning certified educational assistance organizations; §16.403, concerning program participation; §16.404, concerning education service providers and vendors of educational products; §16.405, concerning suspension of program participation; §16.406, concerning approved education-related expenses; §16.407, concerning program administration; §16.408, concerning program participant, provider, and vendor autonomy; §16.409, concerning appeals; and §16.410, concerning notice. These new sections will be located in Texas Administrative Code, Title 34, Part 1, Chapter 16, new Subchapter E (Education Savings Account Program).

The legislation enacted within the last four years that provides the statutory authority for the rules is Senate Bill 2, 89th Legislature, R.S., 2025. These new sections will address the standards for the education savings account program.

Section 16.401 provides definitions.

Section 16.402 addresses certified educational assistance organizations.

Section 16.403 addresses program participation.

Section 16.404 addresses education service providers and vendors of educational products.

Section 16.405 addresses suspension of program participation.

Section 16.406 describes approved education-related expenses.

Section 16.407 addresses program administration.

Section 16.408 addresses program participant, provider, and vendor autonomy.

Section 16.409 addresses appeals of decisions made by the program.

Section 16.410 addresses required notices and service of notice.

Brad Reynolds, Chief Revenue Estimator, has determined that the proposed rules will not increase or decrease the number of individuals subject to the rules' applicability relative to what is required by statute. During the first five years that the proposed new rules are in effect, the rules, relative to what is required by statute: will not require the creation or elimination of employee positions; will not require an increase or decrease in future legislative appropriations to the agency; will not require an increase or decrease in fees paid to the agency; and will not positively or adversely affect this state's economy.

Mr. Reynolds also has determined that the proposed new rules would have no significant fiscal impact on the state government, units of local government, or individuals. The proposed new rules would benefit the public by fulfilling a statutory requirement and establishing a program. There would be no significant economic cost to the public. The proposed new rules would have no significant fiscal impact on small businesses or rural communities.

You may submit comments on the proposal to Education Savings Account Program, Educational Opportunities and Investments Division, 111 E. 17th Street, Austin, Texas 78774 or to the email address: Esa.Rule.Comment@cpa.texas.gov. The comptroller must receive your comments no later than 30 days from the date of publication of the proposal in the *Texas Register*.

The new sections are proposed under Education Code, §29.372, which authorizes the comptroller to adopt rules to implement, administer, and enforce Education Code, Chapter 29, Subchapter J.

The new sections implement Education Code, Chapter 29, Subchapter J, concerning the education savings account program.

§16.401. Definitions.

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

(1) Agency--The Texas Education Agency.

(2) Application period--The period that the program is open to receive applications.

(3) Assessment instrument--A nationally norm-referenced test evaluating academic aptitude or a test consistent with the requirements under Education Code, Chapter 39, Subchapter B. For this subchapter, a "nationally norm-referenced test" requires that the test com-

pare a child's performance to the performance of comparable children throughout the United States.

(4) Campus--A building, set of buildings, or other property owned or controlled by an institution of learning within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner directly related to, the provision of educational instruction.

(5) Certified educational assistance organization--As defined by Education Code, §29.351(2), an organization certified under Education Code, §29.354, to support the administration of the program.

(6) Child with a disability--As defined by Education Code, §29.351(3), a child who is eligible to participate in a school district's special education program under Education Code, §29.003.

(7) Comptroller--The Texas Comptroller of Public Accounts.

(8) Education service provider--A school, such as a private school, public school, including an open-enrollment charter school, or higher education school, as well as a tutor, therapist, or teaching service.

(9) Educational therapies--Treatment provided to a participating child by or at the direction of a licensed physician or licensed therapist to address the academic performance of a participating child.

(10) Good standing--A participating parent, participating child, education service provider, or vendor of educational products shall be considered in good standing with the program by complying with all applicable program requirements and applicable law.

(11) Higher education provider--As defined by Education Code, §29.351(4), an institution of higher education or a private or independent institution of higher education, as those terms are defined by Education Code, §61.003.

(12) Industry-based credential--A credential listed on the agency's most recently published Industry-Based Certification List for Public School Accountability.

(13) Online educational course--A single, for-credit, and subject-specific instructional offering in which instruction and content are delivered synchronously or asynchronously primarily over the Internet.

(14) Parent--As defined by Education Code, §29.351(5), a resident of this state who is a natural or adoptive parent, managing or possessory conservator, legal guardian, custodian, or other person with legal authority to act on behalf of a child.

(15) Participating child--As defined by Education Code, §29.351(6), a child enrolled in the program.

(16) Participating parent--The parent who applied to participate in the program under Education Code, §29.356, on behalf of their child.

(17) Program--As defined by Education Code, §39.351(8), the program established under Education Code, Chapter 29, Subchapter J.

(18) Program participant--As defined by Education Code, §29.351(9), a participating child or a participating parent.

(19) Program year--The period from July 1 of one year through June 30 of the next year.

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

(21) Sibling--A brother, sister, stepbrother, stepsister, half-brother, half-sister, or a foster brother or sister who is a dependent of the participating parent and has been placed with the participating parent by an authorized placement agency or by judgment, decree, or other order of a court of competent jurisdiction.

(22) Total annual income--The total income for federal income tax purposes of the child's parents or, if only one parent qualifies to claim the child as a dependent, the total income for federal income tax purposes of the parent who qualifies to claim the child as a dependent.

(23) Tuition and fees--The standard amount imposed on all students by a school for teaching or instruction, including application or registration fees.

(24) Vendor of educational products--A provider of tangible goods, such as textbooks, required uniforms, assessment instruments, curriculum, and required hardware, software, and other technological devices.

§16.402. Certified Educational Assistance Organizations.

(a) To be selected as a certified educational assistance organization by the comptroller, an organization must:

(1) be registered with the secretary to do business in this state;

(2) have the right to transact business in this state and comply with all tax filing, collection, and payment requirements imposed by the state of Texas;

(3) comply with the audit requirements under Education Code, §29.363, by providing to a private entity under contract with the comptroller or to the state auditor, as applicable:

(A) the organization's internal controls over program transactions;

(B) confirmation that residency documentation specified under Education Code, §29.355(a-1), for each child admitted to the program and served by the organization during the applicable program year was verified by the organization; and

(C) any other information or documentation related to a program transaction;

(4) establish and maintain cybersecurity controls and processes satisfactory to the comptroller, including best practices developed under Government Code, §2054.5181;

(5) comply with all applicable state and federal confidentiality and privacy laws, including the Family Educational Rights Privacy Act of 1974 (20 U.S.C. §1232g); and

(6) comply with all program requirements under Education Code, Chapter 29, Subchapter J.

(b) A certified educational assistance organization must have the ability to perform one or more of the services listed in Education Code, §29.354.

(c) On or before every October 1 and February 1, or as additionally requested by the comptroller, each certified educational assistance organization shall comply with the requirements under §29.362(d), Education Code, for each participating child served by the organization.

§16.403. Program Participation.

(a) A child is eligible to participate in the program if:

(1) the child is eligible to either attend a public school, including an open-enrollment charter school, under Education Code,

§25.001, or a free prekindergarten program offered by a public school or open-enrollment charter school to certain children under Education Code, §29.153;

(2) the child is not enrolled in a public school, including an open-enrollment charter school, or a prekindergarten program of a public school, including an open-enrollment charter school;

(3) the child is a citizen or national of the United States or has been lawfully admitted to the United States;

(4) the child has not been declared ineligible for the program under Education Code, §29.364; and

(5) the child has not graduated from high school.

(b) To apply for participation in the program, the child's parent must submit a comptroller-approved application to the designated certified educational assistance organization during the application period. The application must be accompanied by:

(1) proof that the child is a citizen or national of the United States or was lawfully admitted into the United States, in a format acceptable to the comptroller, such as a certified copy of one of the following for the child: a birth certificate issued in the United States or one of its territories, a certificate of naturalization, a certificate of citizenship, a Consular Report of Birth Abroad, a United States passport, or a Permanent Resident Card;

(2) proof of the child's current residency in this state as established by one of the following documents specified under Education Code, §29.355(a-1): a utility bill, lease or mortgage statement, driver's license or state identification card, voter registration card, letter from a government agency in the United States, or notarized affidavit of residency;

(3) proof of total annual income, such as an Internal Revenue Service transcript of a federal tax return;

(4) an agreement and certification under penalty of perjury by the participating parent that they will:

(A) only request the payment of program money for approved education-related expenses under Education Code, §29.359;

(B) not attempt to withdraw cash or seek reimbursement from the child's account;

(C) refrain from selling items purchased with program money within 12 months from the date of such purchase;

(D) for a participating child in grades 3 through 12 enrolled in a private school that is an approved education service provider and subject to the accommodations and exemptions provided under Education Code, Chapter 39, Subchapter B, authorize and instruct the private school that administers an assessment instrument administered to a child under Education Code, §29.358, to provide the results of such assessment to the certified educational assistance organization responsible for that child by the end of the program year during which the assessment is administered;

(E) comply with the audits requirements under Education Code, §29.363, by providing to a private entity under contract with the comptroller or to the state auditor any information or documentation related to a program transaction; and

(F) no later than 30 calendar days from the date the child enrolls in a public school, including an open-enrollment charter school, or otherwise becomes ineligible to participate in the program, provide written notification to the program in a comptroller-approved format and will cease requesting distributions from the child's account for any

expense incurred on and after the date the child is no longer eligible to participate in the program; and

(5) for a child to be considered a child with a disability for purposes of prioritization under Education Code, §29.356:

(A) a determination letter verifying the child's eligibility to receive Supplemental Security Income or Social Security Disability Insurance or a written diagnosis issued by a licensed physician describing one of the following conditions listed under Education Code, §29.003 that prevents a child not more than 21 years of age from being adequately or safely educated in a public school without the provision of special services:

- (i) a visual or auditory impairment;
- (ii) physical disability;
- (iii) intellectual or developmental disability;
- (iv) emotional disturbance;
- (v) learning disability;
- (vi) autism;
- (vii) speech disability; or
- (viii) traumatic brain injury; or

(B) authorization to verify that an individualized education program has been issued by a school district or open-enrollment charter school for the child for the purposes of determining both prioritization under Education Code, §29.356, and the amount to be transferred to the child's account under Education Code, §29.361.

(c) A participating parent must be in good standing and provide notice in a comptroller-approved format to a designated certified educational assistance organization during the application period if the parent intends for their participating child to continue to participate in the program the following program year. To the extent there are available positions, such a child shall be admitted to the program for the following program year prior to the approval of applications under subsection (e) of this section.

(d) Information shared with a certified educational assistance organization by the agency, a school district, or an open-enrollment charter school to determine a child's eligibility to participate in the program, including a child's public school enrollment status and whether the child can be counted toward a public school's average daily attendance for purposes of the allocation of funding under the foundation school program, shall be held consistent with all applicable federal and state confidentiality and privacy requirements, shall not be sold or otherwise distributed, and shall not be retained beyond the period necessary to determine a child's eligibility.

(e) Acceptable applications for admission to the program received during an application period shall, at the direction of the comptroller, be:

(1) separated into the following categories:

(A) siblings of participating children;

(B) children to whom subparagraph (C) of this paragraph of this section does not apply; and

(C) children who previously ceased participation in the program by enrolling in a public school, including an open-enrollment charter school;

(2) separated within each group established under paragraph (1) of this subsection into the following subcategories as described by Education Code, §29.356(b)(2):

(A) children with a disability who are members of a household with a total annual income that is at or below 500 percent of the federal poverty guidelines;

(B) children who are members of a household with a total annual income that is at or below 200 percent of the federal poverty guidelines;

(C) children who are members of a household with a total annual income that is above 200 percent of the federal poverty guidelines and below 500 percent of the federal poverty guidelines; and

(D) children who are members of a household with a total annual income that is at or above 500 percent of the federal poverty guidelines;

(3) sequentially ordered by lottery within each resulting subcategory if more eligible applications are received than available slots during an application period, with siblings applying during the same application period being considered together in the first subcategory for which one of the siblings qualifies;

(4) subject to Education Code, §29.3521(d), which limits admission of children under paragraph (2)(D) of this subsection to 20 percent of the amount appropriated for the school year, approved for admission to the program in the order established under paragraph (3) of this subsection until available funds calculated under §16.407(a) of this subchapter have been exhausted based on the total annual amount calculated under Education Code, §29.361, for each child admitted; and

(5) to the extent not approved for admission under paragraph (4) of this subsection, placed on a waiting list in the order established under paragraph (3) of this subsection.

(f) During a program year and subject to Education Code, §29.3521(d), which limits admission of children under subsection (e)(2)(D) of this section to 20 percent of the amount appropriated for the school year, if additional funds become available, applications for children on the waitlist shall be approved for admission to the program in the order established under subsection (e)(5) of this section, with funding of the child's account to be prorated for the remaining months of the program year beginning on the first day of the month following the month of approval. Applications for children remaining on the waitlist at the end of a program year expire and applicants must reapply for admission to the program to be considered for participation.

(g) A program participant who submits false or fraudulent documentation that causes the program to spend money from a participating child's account for expenses that are not approved education-related expenses shall be ineligible for the program as of the date of such purchases and shall reimburse the program for such purchases.

§16.404. Education Service Providers and Vendors of Educational Products.

(a) To be approved as an education service provider or vendor of educational products by the comptroller, a provider or vendor must submit a comptroller-approved application and:

(1) be registered with the secretary to do business in this state;

(2) have the right to transact business in this state by complying with all tax filing, collection, and payment requirements imposed by the state of Texas; and

(3) agree and certify under penalty of perjury that the provider or vendor will:

(A) accept orders and money from the program only for education-related expenses approved under Education Code, §29.359;

(B) not charge a program participant for services or products paid for by the program, including tuition and fees, in an amount greater than or in addition to the established standard amount charged to all others for that service or product by the provider or vendor;

(C) not charge a program participant or former participant for a service or product to the extent the service or product is not fully provided;

(D) not rebate, refund, or credit to or share program money with a program participant or any person on behalf of a program participant;

(E) promptly return any money received in violation of program rules or other relevant law to the comptroller or designated certified educational assistance organization for deposit into the program fund;

(F) prevent any individual who is required to be discharged or refused to be hired by a school district under Education Code, §22.085, included in the registry under Education Code, §22.092, or has engaged in misconduct described by Education Code, §22.093(c)(1), from interacting with any participating child;

(G) comply with the audits requirements under Education Code, §29.363, by providing to a private entity under contract with the comptroller or to the state auditor information or documentation related to a program transaction;

(H) notify the comptroller or designated certified educational assistance organization not later than the 30th calendar day after the date that the provider or vendor no longer meets the program requirements; and

(I) abide by all other program requirements.

(b) An approved provider of supplemental special education services under Education Code, Chapter 29, Subchapter A-1, in good standing with the agency shall be approved as a provider for the program.

(c) A private school located in this state may be approved as a provider by submitting proof of:

(1) accreditation by an organization recognized by the Texas Private School Accreditation Commission or agency;

(2) annual administration of an assessment instrument to participating children in grades 3 through 12; and

(3) continuous operation of a campus for at least two school years preceding the date the school seeks approval.

(d) A public school or open-enrollment charter school located in this state may be approved as a provider by submitting proof of accreditation by the agency and demonstrating the ability to provide services or products to participating children in a manner such that the children are not counted toward the district's or school's average daily attendance.

(e) A higher education provider located in this state may be approved as a provider by submitting proof of a nationally recognized postsecondary accreditation.

(f) A private provider of a prekindergarten or kindergarten program located in this state may be approved as a provider by submitting proof that the provider meets the requirements of Education Code, §29.171;

(g) A private tutor, therapist, or employee of a teaching service located in this state may be approved as a provider by submitting proof that:

(1) the individual providing the service to the child is not required to be discharged or refused to be hired by a school district under Education Code, §22.085, or has engaged in misconduct described by Education Code, §22.093(c)(1), as evidenced by a national criminal history record review completed within the prior two calendar years;

(2) the individual providing the service to the child is not included in the registry under Education Code, §22.092;

(3) if a tutor or employee of a teaching service, that the individual providing the service:

(A) is a current or former educator at a school accredited by the agency or an organization recognized by the agency;

(B) is a current or former educator at a school accredited by an organization recognized by the Texas Private School Accreditation Commission;

(C) is a current or former educator in an instructional capacity at a higher education provider; or

(D) has a current teaching license or instructional accreditation issued by a state, regional, or national certification or accreditation organization; and

(4) if a therapist, the individual providing the service possesses a current, relevant license or accreditation issued by a state, regional, or national certification or accreditation organization.

(h) Other providers or vendors of services or products that qualify as education-related expenses approved under Education Code, §29.359, may be approved at the comptroller's discretion as a provider or vendor by demonstrating that the provider or vendor can offer its services or products through the program's marketplace, exclusive of services and products that are not approved education-related expenses.

(i) Money transferred by the program to a participating child's account may not be used to pay any individual related to the participating child within the third degree by consanguinity or affinity, as determined under Government Code, Chapter 573.

§16.405. Suspension of Program Participation.

(a) A program participant, education service provider, or vendor of educational products shall be suspended from participating in the program at any time the participant, provider, or vendor fails to meet the eligibility requirements or fails to comply with any program requirement or other applicable law.

(b) On suspension of an account under subsection (a) of this section, the comptroller shall notify the participating parent, education service provider, or vendor of educational products in writing both by first-class mail and email that the participant's, provider's, or vendor's right to participate has been suspended and that no purchases or payments may be made on or after the date of suspension. The notification must specify the grounds for the suspension, any corrective action required, and notice that the participant, provider, or vendor has 30 calendar days from the date of the notification to respond and comply with any corrective actions required.

(c) On the expiration of the 30-calendar-day period under subsection (b) of this section, the comptroller shall, at the comptroller's discretion:

(1) remove the participant, education service provider, or vendor of educational products from the program if the participant,

provider, or vendor has failed to respond or fully comply with the required corrective action;

(2) temporarily reinstate the participant, provider, or vendor for 30 calendar days and allow purchases or payments to resume, conditioned on successful performance of additional corrective action; or

(3) reinstate the participant, provider, or vendor for participation in the program if the participant, provider, or vendor has fully complied with the required corrective action.

(d) On the expiration of the 30-calendar-day period under subsection (c)(2) of this section, the comptroller shall:

(1) remove the participant, provider, or vendor from the program if the participant, provider, or vendor has failed to fully comply with the required corrective action; or

(2) reinstate the participant, provider, or vendor for participation in the program if the participant, provider, or vendor has fully complied with the required corrective action.

(e) On removal under this section, the comptroller shall notify the program participant, education service provider, or vendor of educational products and each certified educational assistance organization that facilitates program purchases that the participant, provider, or vendor is no longer eligible to participate in the program. If the comptroller has evidence of fraud or any other substantial violation of law by a participant, provider, or vendor, the comptroller shall notify the appropriate local county or district attorney with jurisdiction over the participant, provider, or vendor.

(f) A decision of the comptroller made under this section is final and not subject to appeal.

§16.406. Approved Education-Related Expenses.

Program money may be used only at an approved provider for the following education-related expenses of a participating child:

(1) tuition and fees paid to a private school, higher education provider, online educational course, or industry-based training program that provides credit towards a high school diploma or industry-based credential;

(2) uniforms required by a private school, higher education provider, or industry-based training program in which the child is enrolled;

(3) textbooks and instructional materials;

(4) fees for classes or other educational services provided by a public school, including an open-enrollment charter school, if the classes or services do not qualify the child to be included in the district's or school's average daily attendance;

(5) costs related to assessment instruments for the child;

(6) fees for educational services provided by a private tutor or teaching service to the child;

(7) fees for educational therapies or services provided to the child to the extent not covered by government benefits or by private insurance or provided by a public school, including an open-enrollment charter school;

(8) costs related to transportation provided to the child by a commercial, fee-for-service provider for travel to and from an education service provider or vendor of educational products;

(9) the cost of computer hardware and software and other technological devices required by a private school in which the child is

enrolled or prescribed by a physician to facilitate the child's education, not to exceed in any year 10 percent of the total amount allocated to the participating child's account for the program year; and

(10) the cost of breakfast or lunch provided by a private school to the child during the school day.

§16.407. Program Administration.

(a) Each program year, the comptroller shall calculate the amount available to fund accounts of participating children based on amounts appropriated and other available program funds.

(b) Each school year that a child participates in the program, as directed by Education Code, §29.361(a)(1), a total amount shall be transferred to the child's program account equal to 85 percent of the estimated statewide average amount of state and local funding per student in average daily attendance for the most recent school year for which that information is available. Subject to the \$30,000 limitation under Education Code, §29.361(b), an additional amount shall be transferred to the account of a child with a disability equal to the amount a school district in which the child would otherwise be enrolled would be entitled to receive for the child calculated based on the child's individualized education program and the provisions of Education Code, Chapter 48, that provide funding based on a child's participation in a school district's special education program under Education Code, Chapter 29, Subchapter A, applicable for the school year preceding the school year in which the child initially enrolls in the program. The amount transferred to the account of a participating child who is not enrolled in a private school that is an approved education service provider may not exceed the \$2,000 limitation specified under Education Code, §29.361(b-1). Any award of additional program funds based on changes in participant status during a school year is subject to the availability of program funds.

(c) No later than July 1 of each program year or as soon thereafter as appropriated funds become available, the comptroller shall make payments to a certified educational assistance organization for each participating child served by the organization equal to at least one-quarter of the total annual amount calculated under subsection (b) of this section for that child. The organization shall immediately deposit the amount received for each child under this subsection into the account established for that child.

(d) No later than October 1 of each program year or as soon thereafter as appropriated funds become available, the comptroller shall make additional payments to a certified educational assistance organization for each participating child served by the organization to the extent necessary to ensure payments for that program year equal to at least one-half of the total annual amount calculated under subsection (b) of this section for that child. The organization shall immediately deposit the amount received for each child under this subsection into the account established for that child.

(e) No later than April 1 of each program year or as soon thereafter as appropriated funds become available, the comptroller shall make additional payments to a certified educational assistance organization for each participating child served by the organization to the extent necessary to ensure payments for that program year equal the total annual amount calculated under subsection (b) of this section for that child. The organization shall immediately deposit the amount received for each child under this subsection into the account established for that child.

(f) A certified educational assistance organization shall not make any amount available to a child's program account prior to:

(1) verifying that the child remains eligible for the program under Education Code, §29.355; and

(2) confirming enrollment at a private school that is an approved education service provider, if applicable.

(g) Program participants may purchase approved education-related expenses for a participating child using a comptroller-approved marketplace accessible through the program's Internet website. To the extent a purchase request is verified to be for an approved education-related expense from a provider in good standing for a participating child in good standing and the total amount of the purchase does not exceed the child's account balance, the certified educational assistance organization serving the child shall approve the purchase and deduct the total amount of the purchase from the child's account.

(h) An approved education service provider or vendor of educational products shall refund to the certified educational assistance organization any payment received for services that are not provided in full or for products that are returned for a refund. Any refund received by the program from a provider or vendor shall be deposited into the account of the participating child to be available for future purchases of approved education-related expenses.

(i) Money remaining in a participating child's account at the end of a program year shall be carried forward to the next program year, provided:

(1) the child remains eligible for the program under Education Code, §29.355;

(2) the participating parent has provided notice under Education Code, §29.356(i)(1), that the child will continue participation in the program for the next program year; and

(3) the program participant has not been declared ineligible for participation in the program under Education Code, §29.364.

(j) On the date a participating child is no longer eligible to participate in the program and any pending payments for approved education-related expenses have been completed, the certified educational assistance organization responsible for the participating child's account shall close the account and any money remaining in the account shall be returned to the comptroller for deposit into the program fund for purposes of the program.

§16.408. Program Participant, Provider, and Vendor Autonomy.

(a) An education service provider or vendor of educational products that receives money distributed under the program is not a recipient of federal financial assistance and may not be considered to be a state actor on the basis of receiving that money.

(b) state agency or state official may not adopt a rule or take other governmental action related to the program and a certified educational assistance organization may not take action that:

(1) limits or imposes requirements that are contrary to the religious or institutional values or practices of an education service provider, vendor of educational products, or program participant; or

(2) limits an education service provider, vendor of educational products, or program participant from freely:

(A) determining the methods or curriculum to educate students;

(B) determining admissions and enrollment practices, policies, and standards;

(C) modifying or refusing to modify the provider's, vendor's, or participant's religious or institutional values or practices, operations, conduct, policies, standards, assessments, or employment practices based on the provider's, vendor's, or participant's religious values or practices; or

(D) exercising the provider's, vendor's, or participant's religious or institutional practices as the provider, vendor, or participant determines.

§16.409. Appeals.

(a) The participating parent of a participating child may appeal decisions made by the program related to that child.

(b) The participating parent must provide the comptroller written notice of appeal under subsection (a) of this section by email or at the physical address for such appeals listed on the program's Internet website within 30 calendar days of the date of the notice of decision to be appealed.

(c) The notice of appeal under subsection (b) of this section must be in a comptroller approved format and must include:

(1) the name of the participating child;

(2) a brief statement of the facts; and

(3) the basis for overturning the decision.

(d) The comptroller may request additional information if needed, and shall respond to the notice of appeal within 30 calendar days after the date the notice and any additional requested information was received by the comptroller with a final decision explaining the basis for the decision. An appeal under this subsection is not a contested case and a decision of the comptroller under this subsection is final and not subject to further appeal.

§16.410. Notice.

(a) Except as otherwise provided in this subchapter, any notice to a program participant required under this subchapter may be provided electronically to the email address provided by the program participant. If notice cannot be sent electronically, the comptroller or certified educational assistance organization shall provide notice by regular United States mail to the mailing address on file for the program participant. It is the responsibility of the participant to maintain up-to-date contact information with the program.

(b) Service of notice required under this subchapter by the comptroller or certified educational assistance organization to a program participant, education service provider, or vendor of educational products is deemed complete and received upon:

(1) the date the notice is sent, if sent by email before 5:00 p.m. Central Standard Time;

(2) the date after the notice is sent, if sent by email after 5:00 p.m. Central Standard Time; or

(3) three business days after the date it is postmarked, if sent by regular United States mail.

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 August 11, 2025.

TRD-202502835

Victoria North

General Counsel for Fiscal and Agency Affairs

Comptroller of Public Accounts

Earliest possible date of adoption: September 21, 2025

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

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TITLE 37. PUBLIC SAFETY AND CORRECTIONS

PART 1. TEXAS DEPARTMENT OF PUBLIC SAFETY

CHAPTER 4. COMMERCIAL VEHICLE REGULATIONS AND ENFORCEMENT PROCEDURES

SUBCHAPTER B. REGULATIONS GOVERNING TRANSPORTATION SAFETY

37 TAC §4.13

The Texas Department of Public Safety (the department) proposes amendments to §4.13, concerning Authority to Enforce, Training and Certificate Requirements. The proposed amendments simplify the structure of the rule, add clarifying language for the training and certification of certain state and local enforcement officers, clarifies that commercial vehicle inspection sites are a valid location for an inspection, and makes other conforming changes to reflect the department's practices. The amendments also update §4.13 to align with the Commercial Vehicle Safety Alliance's Operational Policy 4, titled "Inspector Training and Certification," which is adopted by the department, recognized by the Federal Motor Carrier Safety Administration, and located at <https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/2021-07/CVSA%20Operational%20Policy%2004%Revised%2004-29-2021.pdf>

Suzy Whittenton, Chief Financial Officer, has determined that for each year of the first five-year period this rule is in effect there will be no fiscal implications for state or local government or local economies.

Ms. Whittenton has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities required to comply with the section as proposed. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed. There is no anticipated negative impact on local employment.

Ms. Whittenton has determined that for each year of the first five-year period the rule is in effect the public benefit anticipated as a result of this rule is efficiency in training officers to enforce the federal commercial motor vehicle regulations and clarify certain certification requirements.

The department has determined this proposal is not a "major environmental rule" as defined by Texas Government Code, §2001.0225. "Major environmental rule" means a rule the specific intent of which is to protect the environment or reduce risks to human health from environmental exposure and that may adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state. This proposal is not specifically intended to protect the environment or reduce risks to human health from environmental exposure.

The department has determined that Chapter 2007 of the Texas Government Code does not apply to this proposal. Accordingly, the department is not required to complete a takings impact assessment regarding this proposal.

The department prepared a Government Growth Impact Statement assessment for this proposed rulemaking. The proposed rulemaking does not create or eliminate a government program; will not require the creation of new employee positions nor eliminate current employee positions; will not require an increase or decrease in future legislative appropriations to the agency; nor will it require an increase or decrease in fees paid to the agency. The proposed rulemaking does not create a new regulation. The proposed rulemaking does not expand, limit, or repeal an existing regulation. The proposed rulemaking does not increase or decrease the number of individuals subject to its applicability. During the first five years the proposed rule is in effect, the proposed rule should not impact positively or negatively the state's economy.

Comments on this proposal may be submitted to Major Omar Villarreal, Texas Highway Patrol Division, Texas Department of Public Safety, 5805 North Lamar Blvd., Austin, Texas 78752 or by email at Omar.Villarreal@dps.texas.gov. Comments must be received no later than thirty (30) days from the date of publication of this proposal.

This proposal is made pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; Texas Transportation Code, §644.003, which authorizes the department to adopt rules to administer the chapter; §644.051, which authorizes the director to adopt rules regulating the safe transportation of hazardous materials and the safe operation of commercial motor vehicles; and authorizes the director to adopt all or part of the federal safety regulations by reference; and § 644.102, which authorizes the department to establish by rule uniform standards for municipal or county enforcement of the chapter.

Texas Government Code, §411.004(3) and Texas Transportation Code, §§644.003, 644.051, and 644.102 are affected by this proposal.

§4.13. Authority to Enforce, Training and Certificate Requirements.

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

(1) Commercial vehicle inspector--

(A) An officer of the department or a noncommissioned employee of the department who meets the training and certification requirements contained in subsection (c) of this section and is certified by the department;

(B) A municipal police officer from the cities listed in Texas Transportation Code, §644.101, acting within the territory of the municipality, who meets the training and certification requirements contained in subsection (c) of this section and is certified by the department; and

(C) A sheriff or deputy sheriff from the counties listed in Texas Transportation Code, §644.101, acting within the territory of the county, who meets the training and certification requirements contained in subsection (c) of this section and is certified by the department.

(2) CVSA--The Commercial Vehicle Safety Alliance.

(3) NAS--North American Standard.

(4) Operational Policy 4--The Commercial Vehicle Safety Alliance's Operational Policy 4, titled "Inspector Training and Certification."

(b) [(a)] Authority to Enforce.

(1) A commercial vehicle inspector, except for a noncommissioned employee of the department, ~~[An officer of the department]~~ may stop, enter, or detain on a highway, at a commercial vehicle inspection site, or at a port of entry a motor vehicle that is subject to Texas Transportation Code, Chapter 644.

(2) A commercial vehicle inspector who is a non-commissioned employee of the department ~~[that is trained and certified to enforce the federal safety regulations]~~ may stop, enter, or detain at a commercial motor vehicle inspection site~~;~~ or at a port of entry~~;~~ a motor vehicle that is subject to Texas Transportation Code, Chapter 644.

(3) A commercial vehicle inspector ~~[An officer of the department or a non-commissioned employee of the department that is trained and certified to enforce the federal safety regulations]~~ may prohibit the further operation of a vehicle on a highway, at a commercial vehicle inspection site, or at a port of entry if the vehicle or operator of the vehicle is in violation of Texas Transportation Code, Chapter 522, or a federal safety regulation or rule adopted under Texas Transportation Code, Chapter 644, by declaring the vehicle or operator out-of-service using the NAS [North American Standard] CVSA Out-of-Service Criteria as a guideline.

(4) A commercial vehicle inspector who is certified to conduct CVSA Level VI inspections may prohibit the further operation of a vehicle transporting transuranic waste and highway route controlled quantities of radioactive materials on a highway, at a commercial vehicle inspection site, or at a port of entry if the vehicle or operator of the vehicle is in violation of Texas Transportation Code, Chapter 522, or a federal safety regulation or rule adopted under Texas Transportation Code, Chapter 644, by declaring the vehicle or operator out-of-service using the CVSA Level VI Out-of-Service Criteria as guidelines.

[(4) Municipal police officers from cities listed in Texas Transportation Code, §644.10, who meet the training and certification requirements contained in subsection (b) of this section and are certified by the department may stop, enter or detain on a highway or at a port of entry within the municipality a motor vehicle that is subject to Texas Transportation Code, Chapter 644.]

[(5) Sheriffs or deputy sheriffs from counties listed in Texas Transportation Code, §644.10, who meet the training and certification requirements contained in subsection (b) of this section and are certified by the department may stop, enter or detain on a highway or at a port of entry within the county a motor vehicle that is subject to Texas Transportation Code, Chapter 644.]

[(6) A certified peace officer from an authorized municipality or county may prohibit the further operation of a vehicle on a highway or at a port of entry within the municipality or county if the vehicle or operator of the vehicle is in violation of Texas Transportation Code, Chapter 522, or a federal safety regulation or rule adopted under Texas Transportation Code, Chapter 644, by declaring the vehicle or operator out-of-service using the North American Standard Out-of-Service Criteria as a guideline.]

(c) [(b)] Training and Certification Requirements.

(1) A commercial vehicle inspector, before being certified to enforce the Federal Motor Carrier Safety Regulations, ~~[Certain peace officers from the municipalities and counties specified in subsection (a) of this section before being certified to enforce this article]~~ must:

(A) successfully complete the NAS Part A and Part B Roadside Inspection Course [North American Standard Roadside Inspection Course];

(B) successfully complete the Texas Intrastate Roadside Inspection Course (Part C)~~;~~ if initial certification occurs on or after January 1, 2006, or if recertification is required under subsection (e)(4) of this section]; and

(C) participate in an on-the-job training program following completion of the NAS Part A and Part B Roadside Inspection Course [North American Standard Roadside Inspection Course] and the Texas Intrastate Roadside Inspection Course (Part C) with a certified officer and perform the required number and level of inspections as set forth in the current CVSA Operational Policy 4 [a minimum of 32 level I inspections]. These inspections should be completed as soon as practicable, but no later than six months after passing the Texas Intrastate Roadside Inspection Course (Part C) exam [course completion].

(2) A commercial vehicle inspector, before being certified to enforce the Hazardous Materials Regulations, ~~[Certain peace officers from the municipalities and counties specified in subsection (a) of this section and eligible to enforce the Hazardous Materials Regulations]~~ must:

(A) successfully complete the NAS Part A and Part B Roadside Inspection Course and the Texas Intrastate Roadside Inspection Course (Part C) [North American Standard Roadside Inspection Course];

(B) successfully complete the NAS General Hazardous Materials Inspection Course; and

(C) participate in an on-the-job training program following completion of the NAS General Hazardous Materials Inspection Course [this course] with a certified officer and perform the required number and level of inspections as set forth in the current CVSA Operational Policy 4. These inspections must be on vehicles containing non-bulk quantities of hazardous materials [a minimum of 16 level I inspections on vehicles containing non-bulk quantities of hazardous materials]. These inspections should be completed as soon as practicable, but no later than six months after passing the NAS General Hazardous Materials Inspection Course exam [course completion].

(3) A commercial vehicle inspector, before being certified ~~[Certain peace officers from the municipalities and counties specified in subsection (a) of this section and eligible]~~ to enforce the Cargo Tank Inspection ~~[Specification]~~ requirements, must:

(A) successfully complete the NAS Part A and Part B Roadside Inspection Course and the Texas Intrastate Roadside Inspection Course (Part C) [North American Standard Roadside Inspection Course];

(B) successfully complete the NAS General Hazardous Materials Inspection Course;

(C) successfully complete the NAS Cargo Tank Inspection Course; and

(D) participate in an on-the-job training program following completion of the NAS Cargo Tank Inspection Course [this course] with a certified officer and perform the required number and level of inspections as set forth in the current CVSA Operational Policy 4. These inspections must be on vehicles transporting hazardous materials in cargo tanks conforming to the cargo tank inspection standards set forth in the current CVSA Operational Policy 4 [a minimum of 16 level I inspections on vehicles transporting hazardous materials in cargo tanks]. These inspections should be completed as soon as practicable, but no later than six months after passing the NAS Cargo Tank Inspection Course exam [course completion].

(4) A commercial vehicle inspector, before being certified to enforce the Other Bulk Packaging requirements, [Certain peace officers from the municipalities and counties specified in subsection (a) of this section and eligible to enforce the Other Bulk Packaging requirements] must:

(A) successfully complete the NAS Part A and Part B Roadside Inspection Course and the Texas Intrastate Roadside Inspection Course (Part C) [North American Standard Roadside Inspection Course];

(B) successfully complete the NAS General Hazardous Materials Inspection Course;

(C) successfully complete the NAS Cargo Tank Inspection Course; and

(D) successfully complete the NAS Other Bulk Packaging Course.

(5) A commercial vehicle inspector, before being certified to enforce the Passenger Carrying Vehicle Inspection requirements, [Certain peace officers from the municipalities and counties specified in subsection (a) of this section and eligible to enforce the passenger vehicle requirements] must:

(A) successfully complete the NAS Part A and Part B Roadside Inspection Course and the Texas Intrastate Roadside Inspection Course (Part C) [North American Standard Roadside Inspection Course];

(B) successfully complete the NAS Passenger Carrying Vehicle Inspection Course [Passenger Vehicle Inspection Course]; and

(C) participate in an on-the-job training program following completion of the NAS Passenger Carrying Vehicle Inspection Course [this course] with a certified officer and perform the required number and level of inspections as set forth in the current CVSA Operational Policy 4. These inspections must be on passenger carrying vehicles, such as motorcoaches/buses [a minimum of 8 level I or V inspections on passenger vehicles such as motor coaches/buses]. These inspections should be completed as soon as practicable, but no later than six months after passing the NAS Passenger Carrying Vehicle Inspection Course exam [course completion].

(6) A commercial motor vehicle inspector, before being certified to conduct CVSA Level VI inspections on vehicles transporting transuranic waste and highway route-controlled quantities of radioactive materials, must:

(A) successfully complete the NAS Part A and Part B Roadside Inspection Course and the Texas Intrastate Roadside Inspection Course (Part C);

(B) successfully complete the NAS General Hazardous Materials Inspection Course; and

(C) successfully complete the CVSA Level VI Inspection Course.

(7) [(6)] When the training is provided by the department [Texas Department of Public Safety], the department may [shall] collect fees in an amount sufficient to recover from municipalities and counties the cost of certifying its peace officers. The fees shall include:

(A) the per diem costs of the instructors established in accordance with the Appropriations Act regarding in-state travel;

(B) the travel costs of the instructors to and from the training site;

(C) all course fees charged to the department;

(D) all costs of supplies; and

(E) the cost of the training facility, if applicable.

(8) [(7)] A public or private entity desiring to train police officers in the enforcement of the Federal Motor Carrier Safety Regulations must:

(A) submit a schedule of the courses to be instructed;

(B) submit an outline of the subject matter in each course;

(C) submit a list of the instructors and the instructor's [their] qualifications to be used in the training course;

(D) submit a copy of the examination;

(E) submit an estimate of the cost of the course;

(F) receive approval from the director or the director's designee prior to providing the training course;

(G) provide a list of all peace officers attending the training course, including the peace officer's name, rank, agency, social security number, dates of the course, and the examination score; and

(H) receive from each peace officer, municipality, or county the cost of providing the training course(s).

(d) [(e)] Maintaining Certification.

(1) In order to [To] maintain the certification to enforce the Federal Motor Carrier Safety Regulations, a commercial vehicle inspector [conduct inspections and enforce the federal safety regulations, a peace officer] must:

(A) Successfully complete the required annual certification training provided by the department; and

(B) Perform the minimum number of inspections set forth in the current CVSA Operational Policy 4. These inspections must be per calendar year and must be of the inspector's highest certified level [a minimum of 32 Level I inspections per calendar year].

[(C)] If the officer is certified to perform hazardous materials inspections, at least eight inspections (Levels I, H or V) shall be conducted on vehicles containing non-bulk quantities of hazardous materials per calendar year. Level I inspections on vehicles containing non-bulk quantities of hazardous materials may also be used to satisfy the 32 Level I inspections required by subparagraph (B) of this paragraph.]

[(D)] If the officer is certified to perform cargo tank inspections, at least eight inspections (Levels I, H or V) shall be conducted on vehicles transporting hazardous materials in cargo tanks per calendar year. Level I inspections on cargo tank vehicles transporting hazardous materials may also be used to satisfy the 32 Level I inspections required by subparagraph (B) of this paragraph.]

[(E)] If the officer is certified to perform other bulk packaging inspections, the officer can use Level I inspections performed on vehicles transporting hazardous materials in other bulk packaging to satisfy the 32 Level I inspections required by subparagraph (B) of this paragraph. Level I, H or V inspections on vehicles transporting hazardous materials in other bulk packaging may also be used to satisfy the eight inspections required by subparagraph (D) of this paragraph.]

[(F)] If the officer is certified to perform passenger vehicle inspections, at least eight inspections (Levels I or V) shall be conducted on passenger vehicles such as motor coaches/buses per calendar year. Level I inspections on passenger vehicles may also be used to

satisfy the 32 Level I inspections required by subparagraph (B) of this paragraph.]

(2) In order to maintain the certification to enforce the Hazardous Materials Regulations, a commercial vehicle inspector must: [In the event an officer does not meet the requirements of this subsection, his or her certification shall be suspended by the department. Such suspension action will be initiated by the director or the director's designee.]

(A) maintain the certification to enforce the Federal Motor Carrier Safety Regulations; and

(B) perform the minimum number and level of inspections on vehicles containing bulk and/or non-bulk quantities of hazardous materials set forth in the current CVSA Operational Policy 4. These inspections must be per calendar year.

(3) In order to maintain the certification to enforce the Cargo Tank Inspection requirements, a commercial vehicle inspector must: [To be recertified, after suspension, an officer shall pass the applicable examinations which may include the North American Standard Roadside Inspection, the Hazardous Materials Inspection Course, the Cargo Tank Inspection Course, the Other Bulk Packaging Inspection Course, and/or the Passenger Vehicle Inspection Course and repeat the specified number of inspections with a certified officer.]

(A) maintain the certification to enforce the Federal Motor Carrier Safety Regulations;

(B) maintain the certification to enforce the Hazardous Materials Regulations; and

(C) perform the minimum number and level of inspections on vehicles transporting hazardous materials in cargo tanks conforming to the cargo tank inspection standards set forth in the CVSA Operational Policy 4. These inspections must be per calendar year.

(4) In order to maintain the certification to enforce the Other Bulk Packaging requirements, a commercial vehicle inspector must: [Any officer failing any examination, or failing to successfully demonstrate proficiency in conducting inspections after allowing any certification to lapse will be required to repeat the entire training process as outlined in subsection (b) of this section.]

(A) maintain the certification to enforce the Federal Motor Carrier Safety Regulations; and

(B) maintain the certification to enforce the Hazardous Materials Regulations.

(5) In order to maintain the certification to enforce the Passenger Carrying Vehicle Inspection requirements, a commercial vehicle inspector must:

(A) maintain the certification to enforce the Federal Motor Carrier Safety Regulations; and

(B) perform the minimum number and level of inspections on passenger carrying vehicles, such as motorcoaches/buses, as set forth in the current CVSA Operational Policy 4. These inspections must be per calendar year.

(6) In order to maintain the certification to enforce the CVSA Level VI inspections, a commercial vehicle inspector must:

(A) maintain the certification to enforce the Federal Motor Carrier Safety Regulations;

(B) maintain the certification to enforce the Hazardous Materials Regulations; and

(C) successfully complete the required biennial CVSA Level VI recertification training provided by the department.

(e) Inspections Encompassing More Than One Criterion.

(1) Inspections encompassing more than one criterion will not count toward the initial certification of more than one type of inspection.

(2) All inspections encompassing more than one criterion may be used to satisfy multiple maintenance of certification requirements for a commercial vehicle inspector, as applicable.

(3) Both the department and commercial vehicle inspectors will adhere to the "Reference Chart for Calculating Annual Certification," as set forth in the current CVSA Operational Policy 4 when determining how an inspection encompassing more than one criterion satisfies the maintenance of certification requirements.

(f) Decertification.

(1) In the event a commercial vehicle inspector does not meet the requirements of this section, the commercial vehicle inspector's certification will be revoked or rescinded by the department. Such action will be initiated by the director or the director's designee.

(2) To be recertified after a certification is revoked or rescinded, a commercial vehicle inspector must, at the discretion of the director or the director's designee, either successfully recomplete the applicable course(s) or pass the applicable examination(s) which may include the NAS Part A and Part B Roadside Inspection Course, the Texas Intrastate Roadside Inspection Course (Part C), the NAS General Hazardous Materials Inspection Course, the NAS Cargo Tank Inspection Course, the NAS Other Bulk Packaging Inspection Course, the NAS Passenger Carrying Vehicle Inspection Course, and/or the CVSA Level VI Inspection Course, and repeat the specified number of inspections set forth within the current CVSA Operational Policy 4 with a certified officer.

(3) A commercial vehicle inspector who fails any examination or fails to successfully demonstrate proficiency in conducting inspections after allowing any certification to lapse, will be required to repeat the entire training process as outlined in subsection (c) 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.

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D. Phillip Adkins

General Counsel

Texas Department of Public Safety

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For further information, please call: (512) 424-5848



CHAPTER 12. COMPASSIONATE-USE/LOW-THC CANNABIS PROGRAM

SUBCHAPTER B. APPLICATION AND RENEWAL

37 TAC §12.11

The Texas Department of Public Safety (the department) proposes amendments to §12.11, concerning Application for

License. The proposed rule amendment implements House Bill 46, 89th Leg., R.S. (2025), by establishing a timeline for reviewing and taking action on a license application and making other conforming changes.

House Bill 46 expands the Texas Compassionate-Use Program by mandating that the department issue 15 dispensing organization licenses; currently, three exist. The bill sets out the timeline with respect to issuing the remaining dispensing organization licenses. Nine new dispensing organizations must be licensed by the department no later than December 1, 2025, from applications submitted before July 1, 2025. Three more dispensing organizations must be licensed by the department no later than April 1, 2026, from applications submitted at any time.

However, House Bill 46 also requires the director to adopt rules to establish a timeline for reviewing and taking action on dispensing organization licenses. Therefore, this rule is amended to establish the timeline applicable to issuing a license after all 15 dispensing organization licenses have been issued in accordance with the timeline established by House Bill 46. The timeline identified in the proposed rule will apply when any one or more of the 15 dispensing organization licenses issued under House Bill 46 is revoked or otherwise vacated and is available to be opened to new license applicants.

Suzy Whittenton, Chief Financial Officer, has determined that for each year of the first five-year period this rule is in effect there will be no fiscal implications for state or local government or local economies.

Ms. Whittenton has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities required to comply with the section as proposed. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed. There is no anticipated negative impact on local employment.

Ms. Whittenton has determined that for each year of the first five-year period the rule is in effect the public benefit anticipated as a result of this rule will be the effective implementation of legislation and greater clarity, consistency, and transparency in the administration of the Compassionate-Use Program.

The department has determined this proposal is not a "major environmental rule" as defined by Texas Government Code, §2001.0225. "Major environmental rule" means a rule the specific intent of which is to protect the environment or reduce risks to human health from environmental exposure and that may adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state. This proposal is not specifically intended to protect the environment or reduce risks to human health from environmental exposure.

The department has determined that Chapter 2007 of the Texas Government Code does not apply to this proposal. Accordingly, the department is not required to complete a takings impact assessment regarding this proposal.

The department prepared a Government Growth Impact Statement assessment for this proposed rulemaking. The proposed rulemaking does not create or eliminate a government program; will not require the creation of new employee positions nor eliminate current employee positions; will not require an increase or decrease in future legislative appropriations to the agency; nor will it require an increase or decrease in fees paid to the agency. The proposed rulemaking does not create a new regulation. The

proposed rulemaking does not expand, limit, or repeal an existing regulation. The proposed rulemaking does not increase or decrease the number of individuals subject to its applicability. During the first five years the proposed rule is in effect, the proposed rule should not impact positively or negatively the state's economy.

Comments on the proposal may be submitted to Amanda Contrino, Regulatory Services Division, Department of Public Safety, P.O. Box 4087, MSC-0240, Austin, Texas 78773-0240, or by email to RSD.Rule.Comments@dps.texas.gov. Email submission only is preferred. Comments must be received no later than thirty (30) days from the date of publication of this proposal.

This proposal is made pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; Texas Health and Safety Code, §487.052, which requires the director to adopt rules necessary for the administration and enforcement of Texas Health and Safety Code, Chapter 487; §487.104(f), which requires the director to adopt rules to establish a timeline for reviewing and taking action on an application submitted; and House Bill 46, 89th Leg., R.S. (2025).

Texas Government Code, §411.004(3); Texas Health and Safety Code, §487.052; and §487.104(f) are affected by this proposal.

§12.11. Application for License.

(a) Application for license as a dispensing organization may only be made in the manner determined by the department.

(1) The department will provide public notice on its website and in the *Texas Register* of an open application period when one or more of the fifteen statutorily authorized dispensing organization licenses become available to be issued.

(2) The department will provide an open application period of at least 90 days from the date of providing public notice.

(3) The department will complete its review of applications within 180 days of the close of the application period. Upon completion of the department's review of all applications, the department will notify the selected applicant(s) of the department's conditional approval of the application under subsection (c) of this section.

(b) A complete application must include the items detailed in this subsection, in a manner determined by the department:

(1) Proof of ownership and current status in the manner required by the department, including but not limited to a current Certificate of Existence or Certificate of Authority from the Texas Office of the Secretary of State and a Certificate of Good Standing from the Texas Comptroller of Public Accounts;

(2) All application fees required under §12.14 of this title (relating to Application and Licensing Fees and Method of Payment);

(3) Names, dates of birth, addresses, and all other information required by the department necessary to verify the identity of all directors, owners, managers, members, and employees of the applicant;

(4) Criminal history disclosure of all convictions and deferred adjudications for each individual listed on the application as directors, owners, managers, members, and employees of the dispensing organization;

(5) Complete registration applications for all directors, owners, managers, members, and employees submitted in the manner approved by the department and in compliance with §12.12 of this title (relating to Application for Registration);

(6) Proof of commercial general liability insurance coverage against claims of liability for damage to property of third parties and for personal injuries to third parties, including bodily injury, property damage, and product liability, with limits of:

- (A) \$1,000,000 each occurrence;
- (B) \$2,000,000 General Aggregate limit; and
- (C) \$1,000,000 Product Liability.

(7) Evidence of the qualifications detailed in this paragraph as determined at the time of the required onsite inspection, in the manner determined by the department:

(A) The technical and technological ability to cultivate, process, and/or dispense low-THC cannabis, evidenced by experience in the areas of:

(i) Cultivation, analytical organic chemistry and micro-biology, [s] and analytical laboratory methods; and

(ii) Patient education, [and] interaction, and the handling of confidential information including familiarity with the requirements of the Health Insurance Portability and Accountability Act (HIPAA).

(B) The ability to secure the premises, resources, and employees necessary to operate as a dispensing organization, evidenced by:

(i) Descriptions of all properties applicant proposes to utilize to cultivate, process, store, and dispense low-THC cannabis, including ownership information for the properties;

(ii) The address and description of any satellite location that will be used by the applicant for secure storage of low-THC cannabis;

(iii) [(iv)] Descriptions of the methods proposed for the cultivation, processing, storing, and dispensing of low-THC cannabis;

(iv) [(v)] Descriptions of the types and locations of worker safety equipment and plans and procedures for complying with federal Occupational Safety and Health Administration (OSHA) regulations for workplace safety;

(v) [(vi)] A list of current and proposed staff, including [s] position, duties, and responsibilities, and an organizational chart illustrating the supervisory structure of the dispensing organization;

(vi) [(v)] Description of the applicant's proposed testing laboratory[s] and description of the proposed testing protocols and methods;

(vii) [(vi)] A proposal establishing the ability to secure premises reasonably located to allow patient access through existing infrastructure; and

(viii) [(vii)] Department approved acknowledgments executed by the applicant's directors, owners, managers, members, and employees indicating familiarity with the federal laws governing marihuana [marijuana] and its interstate transportation.

(C) The ability to maintain accountability of all raw materials, finished products, and any by-products to prevent diversion or unlawful access to or possession of these substances, evidenced by:

(i) Floor plan of each facility or proposed floor plans for proposed facilities, including:

(I) Locking options for all means of ingress and egress consistent with life safety requirements;

(II) Alarm systems;

(III) Video surveillance;

(IV) Name, layout, and function of each room;

and

(V) Storage, including safes and vaults.

(ii) Diversion prevention procedures;

(iii) Emergency management plan;

(iv) System for tracking source plant material throughout cultivation, processing, storing, and dispensing;

(v) Inventory control system as required by §12.8 of this title (relating to Inventory Control System);

(vi) Policies and procedures for recordkeeping;

(vii) Electronic vehicle tracking systems;

(viii) Vehicle security systems;

(ix) Methods of screening and monitoring employees;

(x) Employee qualifications and experience with chain of custody or other tracking mechanisms;

(xi) Waste disposal plan;

(xii) Recall procedures for any product that has a reasonable probability of causing adverse health consequences based on a testing result, patient reaction, or other reason; and

(xiii) Access to specialized resources or expertise regarding data collection, security, and tracking.

(D) Infrastructure reasonably located to dispense low-THC cannabis to registered patients, evidenced by:

(i) Map showing the location of the applicant's proposed dispensing facilities with streets, [s] property lines, [s] buildings, [s] parking areas, [s] outdoor areas [s] if applicable, [s] fences, [s] security features, [s] fire hydrants [s] if applicable, [s] and access to water and sanitation systems;

(ii) Floor plan of the actual or proposed building or buildings where dispensing activities will occur showing areas designed to protect patient privacy and areas designed for retail sales [s] with proposed hours of operation;

(iii) HIPAA compliant computer network utilized by all facilities;

(iv) Identifying descriptions of any vehicles to be used to transport product; and

(v) Description of all communication systems.

(E) The financial ability to maintain operations for two (2) years from the date of application, evidenced by:

(i) Applicant's business organization [s] and corporate structure if applicable;

(ii) List of all owners of any non-corporate applicant [s] or all shareholders of a corporate applicant;

(iii) All individuals and entities with control over the applicant;

(iv) Projected two (2) year budget; and

(v) Description of available assets sufficient to support the dispensing organization activities.

(c) Subsequent to the submission of all information and documentation required by subsection (b)(1) - (6) of this section and the conditional approval of the application, the department will conduct an onsite inspection to confirm applicant's compliance with the requirements of subsection (b)(7) of this section and of this chapter generally. The applicant must pass the inspection prior to licensure. Failure to pass the inspection will result in notification of the basis for the failure. Failure to address the basis for the failure within sixty (60) days of notice may result in the denial of the application[.] pursuant to §12.15 of this title (relating to Denial of Application for License). Upon request of the applicant, the department may extend the period to address the basis for the failure for one (1) additional thirty (30) day period.

[(d) Failure of an applicant to submit all information and documentation required by subsection (b)(1) - (6) of this section will result in notification of the deficiency. Applicant will have ninety (90) days from the date of notice to address the deficiency. Upon request of the applicant, the department may extend the period to address the deficiency for one (1) additional ninety (90) day period. If an applicant fails to provide all required application materials, or fails to respond to a request by the department for additional information necessary to process the application, the application will be terminated. Following the termination of an application, a new application, including a new application fee, must be submitted.]

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 August 7, 2025.

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D. Phillip Adkins

General Counsel

Texas Department of Public Safety

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For further information, please call: (512) 424-5848



SUBCHAPTER C. COMPLIANCE AND ENFORCEMENT

37 TAC §12.23

The Texas Department of Public Safety (the department) proposes amendments to §12.23, concerning Revocation. The proposed rule amendment implements House Bill 46, 89th Leg., R.S. (2025), by authorizing revocation for a dispensing organization license for failing to begin dispensing low-THC cannabis within 24 months of license issuance or failing to continue dispensing low-THC cannabis during the term of the license.

Suzy Whittenton, Chief Financial Officer, has determined that for each year of the first five-year period this rule is in effect there will be no fiscal implications for state or local government or local economies.

Ms. Whittenton has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities required to comply with the section as proposed. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed. There is no anticipated negative impact on local employment.

Ms. Whittenton has determined that for each year of the first five-year period the rule is in effect the public benefit anticipated as a result of this rule will be the effective implementation of leg-

islation and greater clarity, consistency, and transparency in the administration of the Compassionate-Use Program.

The department has determined this proposal is not a "major environmental rule" as defined by Texas Government Code, §2001.0225. "Major environmental rule" means a rule the specific intent of which is to protect the environment or reduce risks to human health from environmental exposure and that may adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state. This proposal is not specifically intended to protect the environment or reduce risks to human health from environmental exposure.

The department has determined that Chapter 2007 of the Texas Government Code does not apply to this proposal. Accordingly, the department is not required to complete a takings impact assessment regarding this proposal.

The department prepared a Government Growth Impact Statement assessment for this proposed rulemaking. The proposed rulemaking does not create or eliminate a government program; will not require the creation of new employee positions nor eliminate current employee positions; will not require an increase or decrease in future legislative appropriations to the agency; nor will it require an increase or decrease in fees paid to the agency. The proposed rulemaking does not create a new regulation. The proposed rulemaking does not limit or repeal an existing regulation but does expand an existing regulation. The proposed rulemaking does not increase or decrease the number of individuals subject to its applicability. During the first five years the proposed rule is in effect, the proposed rule should not impact positively or negatively the state's economy.

Comments on the proposal may be submitted to Amanda Contrino, Regulatory Services Division, Department of Public Safety, P.O. Box 4087, MSC-0240, Austin, Texas 78773-0240, or by email to RSD.Rule.Comments@dps.texas.gov. Email submission only is preferred. Comments must be received no later than thirty (30) days from the date of publication of this proposal.

This proposal is made pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; Texas Health and Safety Code, §487.052, which requires the director to adopt rules necessary for the administration and enforcement of Texas Health and Safety Code, Chapter 487; §487.1045(b), which requires the director to adopt rules to revoke the license of a dispensing organization that does not dispense low-THC cannabis within the time required by this section or that discontinues dispensing low-THC cannabis during the term of the license and to monitor whether a dispensing organization is using a license issued to dispense low-THC cannabis; and House Bill 46, 89th Leg., R.S. (2025).

Texas Government Code, §411.004(3); Texas Health and Safety Code, §487.052; and §487.1045(b) are affected by this proposal.

§12.23. Revocation.

(a) The department may revoke a license or registration if the licensee or registrant:

(1) Is found to have performed a regulated function prior to issuance of the license or registration;

(2) Misrepresents a material fact in any application to the department or any other information filed pursuant to the Act or this chapter;

(3) Prepares or submits to the department false, incorrect, incomplete or misleading forms or reports on multiple occasions;

(4) Performs a regulated function while suspended;

(5) Exhibits a pattern of misconduct evidenced by previous violations for which previous suspensions have been inadequate to affect compliance;

(6) Is convicted of a disqualifying felony or misdemeanor offense pursuant to §12.3 of this title (relating to Criminal History Disqualifiers);

(7) Violates §§481.120, 481.121, 481.122, or 481.125 of the Texas Health and Safety Code; [ø]

(8) Fails to begin dispensing low-THC cannabis within 24 months of license issuance or fails to continue dispensing low-THC cannabis during the term of the license; or

(9) [(8)] Submits to the department a payment that is dishonored, reversed, or otherwise insufficient or invalid.

(b) Following notification of the violation, the licensee or registrant will be provided with thirty (30) days to address the violation or request a hearing by submitting the request electronically through the department's website or as otherwise determined by the department. If a hearing is requested, the department will schedule a hearing before SOAH.

(c) An [Except as provided in subsection (b) of this section, an] individual whose [certificate of] registration has been revoked may not be relicensed or reregistered earlier than two (2) years from the date of revocation.

(d) An individual whose registration has been revoked for a dishonored or reversed payment, as provided under subsection (a)(9) [(a)(8)] of this section may reapply at any time. Approval of the application is contingent upon receipt of payment of the full amount due, including any additional processing fees resulting from the prior dishonored or reversed payment. The department may dismiss a pending revocation proceeding based on a dishonored or reversed payment upon receipt of payment of the full amount due, including any additional processing fees resulting from the prior dishonored or reversed payment.

(e) Other than as provided in subsection (d) of this section, an organization or individual whose license or registration has been revoked must follow the applicable procedures pursuant to §12.11 or §12.12 of this title (relating to Application for License and Application for Registration, respectively) for new applications.

(f) For purposes of subsection (a)(8) of this section, a licensee fails to begin dispensing low-THC cannabis within 24 months of license issuance or fails to continue dispensing low-THC cannabis during the term of the license if the licensee:

(1) Does not continuously cultivate, process, and produce low-THC cannabis in a manner consistent with the level of demand for the licensee's product; or

(2) Does not promptly and accurately fill prescriptions.

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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D. Phillip Adkins

General Counsel

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For further information, please call: (512) 424-5848



SUBCHAPTER D. SECURITY

37 TAC §12.35

The Texas Department of Public Safety (the department) proposes new §12.35, concerning Security of Satellite Locations. The proposed rule implements House Bill 46, 89th Leg., R.S. (2025), by establishing security requirements for dispensing organization satellite locations if approved by the department.

Suzy Whittenton, Chief Financial Officer, has determined that for each year of the first five-year period this rule is in effect there will be no fiscal implications for state or local government or local economies.

Ms. Whittenton has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities required to comply with the section as proposed. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed. There is no anticipated negative impact on local employment.

Ms. Whittenton has determined that for each year of the first five-year period the rule is in effect the public benefit anticipated as a result of this rule will be the effective implementation of legislation and greater clarity, consistency, and transparency in the administration of the Compassionate-Use Program.

The department has determined this proposal is not a "major environmental rule" as defined by Texas Government Code, §2001.0225. "Major environmental rule" means a rule the specific intent of which is to protect the environment or reduce risks to human health from environmental exposure and that may adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state. This proposal is not specifically intended to protect the environment or reduce risks to human health from environmental exposure.

The department has determined that Chapter 2007 of the Texas Government Code does not apply to this proposal. Accordingly, the department is not required to complete a takings impact assessment regarding this proposal.

The department prepared a Government Growth Impact Statement assessment for this proposed rulemaking. The proposed rulemaking does not create or eliminate a government program; will not require the creation of new employee positions nor eliminate current employee positions; will not require an increase or decrease in future legislative appropriations to the agency; nor will it require an increase or decrease in fees paid to the agency. The proposed rulemaking does create a new regulation. The proposed rulemaking does not expand, limit, or repeal an existing regulation. The proposed rulemaking does not increase or decrease the number of individuals subject to its applicability. During the first five years the proposed rule is in effect, the proposed rule should not impact positively or negatively the state's economy.

Comments on the proposal may be submitted to Amanda Contrino, Regulatory Services Division, Department of Public Safety,

P.O. Box 4087, MSC-0240, Austin, Texas 78773-0240, or by email to RSD.Rule.Comments@dps.texas.gov. Email submission only is preferred. Comments must be received no later than thirty (30) days from the date of publication of this proposal.

This proposal is made pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; Texas Health and Safety Code, §487.052, which requires the director to adopt rules necessary for the administration and enforcement of Texas Health and Safety Code, Chapter 487; §487.1035(d), which requires the director to adopt rules regarding the design and security requirements for satellite locations; and House Bill 46, 89th Leg., R.S. (2025).

Texas Government Code, §411.004(3); Texas Health and Safety Code, §487.052; and §487.1035(d) are affected by this proposal.

§12.35. Security of Satellite Locations.

(a) A dispensing organization that has been approved by the department to operate a satellite location must establish and maintain effective controls and procedures to prevent unauthorized access, theft, or diversion of any low-THC cannabis product to be dispensed at a satellite location. The dispensing organization must:

(1) Establish a floor plan and a security plan to be submitted to the department for pre-approval;

(2) Designate an enclosed locked area within the satellite location where low-THC cannabis product is stored that provides reasonably adequate security against theft and diversion; and

(3) Designate an individual, or a limited number of individuals, with responsibility for and with the authority to enter or control entry into the enclosed locked area where low-THC cannabis product is stored.

(b) During the regular course of business activities, and except as provided by subsection (c) of this section, a dispensing organization may not allow access to the facility's low-THC cannabis product storage area by unauthorized individuals or to the public. Only a licensee, director, owner, manager, member, or registered employee may access the enclosed locked area where low-THC cannabis product is stored. A dispensing organization must limit access to the low-THC cannabis product storage area to the minimum number of individuals or employees necessary for the licensee's activities.

(c) When unregistered individuals, whether employees, contractors, business guests, visitors, or maintenance or other service providers not regulated under Texas Health and Safety Code, Chapter 487 or this chapter, are present in or pass through regulated premises, the unregistered individuals must be continuously escorted by a registrant. Unregistered individuals must be provided a visitor's badge reflecting the individual's name and the date of issuance. All ingress and egress by unregistered individuals must be recorded in a daily log. The log must include the full name of each unregistered individual entering the regulated premises, the time of arrival, the time of departure, and the purpose of the visit. The requirements of this subsection do not apply to representatives of the department or other law enforcement agencies of this state who tour the facility as part of the representative's official duties.

(d) Satellite locations must have an alarm system capable of continuously monitoring the regulated premises for fire and intrusion by means of camera recording, door switches, motion sensors, and fire and smoke detectors. The system must have the capability of immediately alerting local law enforcement of a fire at any time, of a security breach during non-business hours, and of being manually activated by staff during business hours. The camera monitoring system must be ca-

pable of recording at least 90 days of footage to an external hard drive at a minimum resolution of 720 x 350, with camera coverage of all regulated areas, including all ingress or egress areas, and the building exterior. Point of sale areas, if applicable, must have a camera placed in a manner to provide visual identification of any patient or legal guardian seeking to fill a prescription for low-THC cannabis. Exterior lighting must be sufficient to support camera monitoring. The system must comply with local city or county alarm permitting requirements. The system must be capable of continuous function upon total power loss for a minimum period of five (5) minutes.

(e) A dispensing organization may not store or sell products at a satellite location that are not approved by the department under the Texas Compassionate Use Program.

(f) All low-THC cannabis product stored at the satellite location must be secured in a locked restricted access area, unless in the process of being dispensed to a patient.

(g) Any pick-up location previously approved by the department must meet the minimum satellite facility safety requirements as determined by the department under 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 August 7, 2025.

TRD-202502804

D. Phillip Adkins

General Counsel

Texas Department of Public Safety

Earliest possible date of adoption: September 21, 2025

For further information, please call: (512) 424-5848

CHAPTER 14. SCHOOL BUS SAFETY STANDARDS

SUBCHAPTER D. SCHOOL BUS SAFETY STANDARDS

37 TAC §§14.51 - 14.54

(Editor's note: In accordance with Texas Government Code, §2002.014, which permits the omission of material which is "cumbersome, expensive, or otherwise inexpedient," the figure in 37 TAC §14.52 is not included in the print version of the Texas Register. The figure is available in the on-line version of the August 22, 2025, issue of the Texas Register.)

The Texas Department of Public Safety (the department) proposes amendments to §§14.51 - 14.54, concerning School Bus Safety Standards. The proposed amendments update the rules to reflect the equipment specifications for 2025 model school buses operating in the State of Texas, modify language so that it is consistent with the statutory framework, including removing references to private schools, and update references to required forms. Additional non-substantive changes have been made to improve clarity and readability.

Suzy Whittenton, Chief Financial Officer, has determined that for each year of the first five-year period these rules are in effect there may be fiscal implications for local government, but not for state government. The 2025 model equipment specifications adds illuminated bus signs to the front and rear roof

caps of the school bus which are estimated to cost \$1,350 per bus. The equipment specifications also increase the capacity of the wheelchair lift mechanism and platform from 800 pounds to 1,000 pounds, which manufacturers began implementing in 2015, and is estimated to cost \$200 per bus. These additional specifications are required only for 2025 model school buses, and no retrofitting of any school bus purchased or acquired prior to the effective date of this proposal is required.

Ms. Whittenton has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities required to comply with this proposal. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed. There is no anticipated negative impact on local employment.

Ms. Whittenton has determined that for each year of the first five-year period the rules are in effect the public benefit anticipated as a result of these rules will be improved public safety.

The department has determined this proposal is not a "major environmental rule" as defined by Texas Government Code, §2001.0225. "Major environmental rule" means a rule the specific intent of which is to protect the environment or reduce risks to human health from environmental exposure and that may adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state. This proposal is not specifically intended to protect the environment or reduce risks to human health from environmental exposure.

The department has determined that Chapter 2007 of the Texas Government Code does not apply to this proposal. Accordingly, the department is not required to complete a takings impact assessment regarding this proposal.

The department prepared a Government Growth Impact Statement assessment for this proposed rulemaking. The proposed rulemaking does not create or eliminate a government program; will not require the creation of new employee positions nor eliminate current employee positions; will not require an increase or decrease in future legislative appropriations to the agency; nor will it require an increase or decrease in fees paid to the agency. The proposed rulemaking does not create a new regulation. The proposed rulemaking does expand an existing regulation. The proposed rulemaking does not increase or decrease the number of individuals subject to its applicability. During the first five years the proposed rules are in effect, the proposed rules should not impact positively or negatively the state's economy.

Comments on the proposal may be submitted to Christie Hebert, School Bus Transportation Program, Texas Department of Public Safety, P.O. Box 4087, Austin, Texas 78773-0525, (512) 424-7396. Comments must be received no later than thirty (30) days from the date of publication of this proposal.

This proposal is made pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; Texas Education Code, §34.002, which authorizes the department to adopt safety standards for school buses; Texas Transportation Code, §547.101(a), which authorizes the department to adopt rules necessary to administer the chapter; §547.102, which authorizes the department to adopt safety standards and specifications for school bus equipment; and §547.7015, which authorizes the department to adopt rules

governing the design, color, lighting, and other equipment, construction and operation of a school bus for the transportation of school children.

Texas Government Code, §411.004(3); Texas Education Code, §34.002; and Texas Transportation Code, §547.101(a), §547.102, and §547.7015 are affected by this proposal.

§14.51. Applicability.

(a) This subchapter is applicable to all school districts and county transportation systems that own, operate, rent, contract or lease school buses and those commercial transportation companies which contract with a public school or county transportation system to transport public school students in school buses.

(b) In this subchapter, the term "school district" also means an open enrollment charter school authorized by the Texas Education Code, Chapter 12, Subchapters D and E that is providing transportation according to Texas Education Code, §34.003.

~~[(c) A private school, defined as a non-profit entity that provides elementary or secondary education that incorporates an adopted curriculum designed to meet basic educational goals and which conducts formal reviews and documentation of student progress, must only comply with §14.52 of this title (relating to Texas School Bus Specifications) and §14.53 of this title (relating to Purchases of Used School Buses) as applicable.]~~

§14.52. Texas School Bus Specifications.

(a) All school districts must purchase or use school buses from school bus chassis and body manufacturers that [shall] certify to the department, in the form of a letter, that all school buses offered for sale to or in use by school districts [the public school systems] in Texas meet or exceed all standards, specifications, and requirements as specified in the department's publication Texas School Bus Specifications. The department hereby adopts the Texas School Bus Specifications for 2025 [2018] Model School Buses. Previously published Texas School Bus Specifications remain in effect for earlier model year school buses until the department repeals these publications.

Figure: 37 TAC §14.52(a)

[Figure: 37 TAC §14.52(a)]

(b) All school districts must purchase or use multifunction school activity buses from school bus chassis and body manufacturers that [shall] certify to the department, in the form of a letter, that all multifunction school activity buses offered for sale to or in use by school districts [the public school systems] in Texas meet or exceed all federal standards, specifications, and requirements of a multifunction school activity bus as specified in the Title 49, Code of Federal Regulations, Part 571.

(1) A multifunction school activity bus may be painted any color except National School Bus Glossy Yellow.

(2) A multifunction school activity bus cannot be used for home to school or school to home transportation. Before delivery of a multifunction school activity bus, the manufacturer must place a label in the direct line of site of the driver while seated in the driver's seat stating: 'This vehicle is not to be used for home to school or school to home transportation.'

(c) Any new school bus found out of compliance with the specifications that were in effect in Texas on the date the vehicle was manufactured will be placed out of service by the vehicle's owner until it is brought into compliance with the applicable specifications.

§14.53. Purchases of Used School Buses.

(a) Used school buses purchased or operated by a school district ~~[public school system]~~ in Texas shall meet or exceed all Federal and State requirements for public school buses that were in effect in Texas on the date the vehicle was manufactured. Prior to the sale, the dealer selling the used school bus must provide the buyer (school district) with:

(1) Documentation of the dealer's general distinguishing number ~~[their "Dealer General Distinguishing Number" which is]~~ required by Texas Transportation Code, §503.029.

(2) Documentation of the original manufacturing state of the school bus ~~[what state the used school bus was originally manufactured]~~.

(3) A copy of the original manufacturing specifications for the school bus ~~[was originally manufactured to]~~.

(4) Documentation of all modifications ~~[that were]~~ made to each school bus to bring it into compliance with Texas School Bus Specifications in effect ~~[that were in place]~~ on the original date of manufacture ~~[date the school bus was originally manufactured]~~.

(b) School ~~[Public school]~~ districts or contractors must notify the department in writing within 30 days of purchasing any used school bus. The notification must include:

(1) The date of purchase and delivery.

(2) The name of the dealer and the dealer's general distinguishing number for the seller of the used school bus ~~[General Distinguishing Number from whom the used school bus was purchased]~~.

(3) Who manufactured the school bus, date of manufacture, and to which states' specifications the school bus was manufactured.

(c) Used school buses purchased by school districts that were not originally manufactured to Texas specifications at the time the school bus was manufactured may be inspected by the department to verify compliance with the applicable federal and state specifications.

(d) Any used school bus, as described in subsection (a) of this section, found out of compliance with the specifications that were in effect in Texas on the date the vehicle was manufactured will be placed out of service by the vehicle's owner until it is brought into compliance with the applicable specifications.

~~[(e) A private school must comply with this subsection except for requirements to report the purchase of a used school bus to the department.]~~

§14.54. *School Bus Emergency Evacuation Training.*

(a) School districts and charter schools are ~~[will be]~~ responsible for developing the school bus emergency evacuation training curriculum based on the most recent edition of the National School Transportation Specifications and Procedures, as adopted by the National Congress on School Transportation, or a similar school transportation safety manual.

(b) For purposes of conducting school bus emergency evacuation training, the term "fall" is ~~[shall be]~~ defined as July 1 to December 31.

(c) School districts and charter schools are encouraged to make a good faith effort to ensure that all students, teachers, and appropriate staff receive the school bus emergency evacuation training at least once each school year.

(d) Reporting Requirements.

(1) A record of each school bus emergency evacuation training session conducted must be submitted on [a] form SBT-7 titled "Reporting of School Bus Evacuation Training" ~~[prescribed by the department that is]~~ available at: <https://www.dps.texas.gov/internetforms/home/index> ~~[the following internet web site address: <http://www.txdps.state.tx.us/forms>]~~. ~~[All information requested on the form must be completed.]~~ The ~~[completed]~~ form must be filled out completely and submitted via mail ~~[mailed]~~ to School Bus Transportation, Texas Department of Public Safety, P.O. Box 4087, Austin, Texas 78773-0525 or electronically [submitted via electronic mail] to sbt@dps.texas.gov ~~[sbt@txdps.state.tx.us]~~.

(2) Reports must be submitted within 30 days following the completion of each training session ~~[not later than the 30th day after the date each training session is completed]~~.

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 August 7, 2025.

TRD-202502805

D. Phillip Adkins

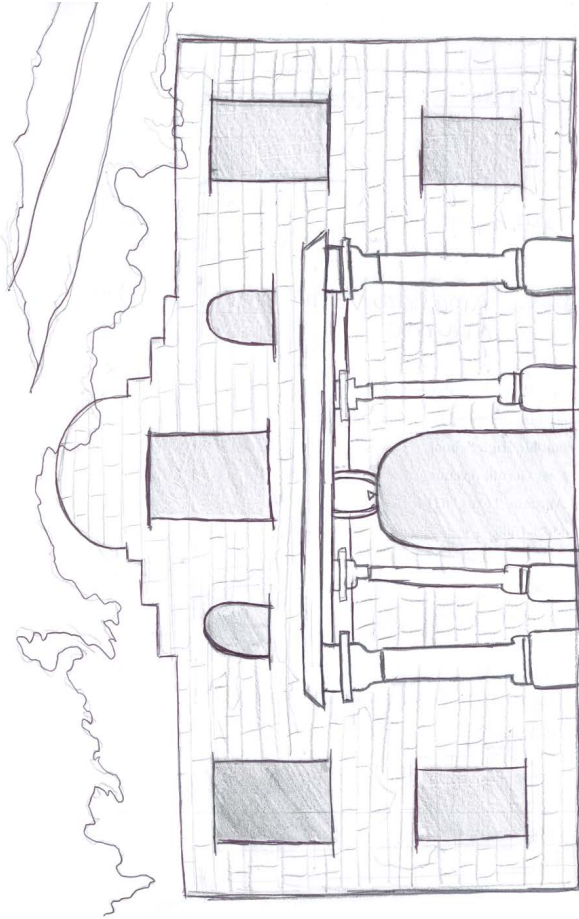
General Counsel

Texas Department of Public Safety

Earliest possible date of adoption: September 21, 2025

For further information, please call: (512) 424-5848

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WITHDRAWN RULES

Withdrawn Rules include proposed rules and emergency rules. A state agency may specify that a rule is withdrawn immediately or on a later date after filing the notice with the Texas Register. A proposed rule is withdrawn six months after the date of publication of the proposed rule in the Texas Register if a state agency has failed by that time to adopt, adopt as amended, or withdraw the proposed rule. Adopted rules may not be withdrawn. (Government Code, §2001.027)

TITLE 1. ADMINISTRATION

PART 15. TEXAS HEALTH AND HUMAN SERVICES COMMISSION

CHAPTER 353. MEDICAID MANAGED CARE

SUBCHAPTER P. MENTAL HEALTH TARGETED CASE MANAGEMENT AND MENTAL HEALTH REHABILITATION

1 TAC §353.1415

The Texas Health and Human Services Commission withdraws proposed amendments to §353.1415 which appeared in the February 7, 2025, issue of the *Texas Register* (50 TexReg 713).

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

TRD-202502789

Karen Ray

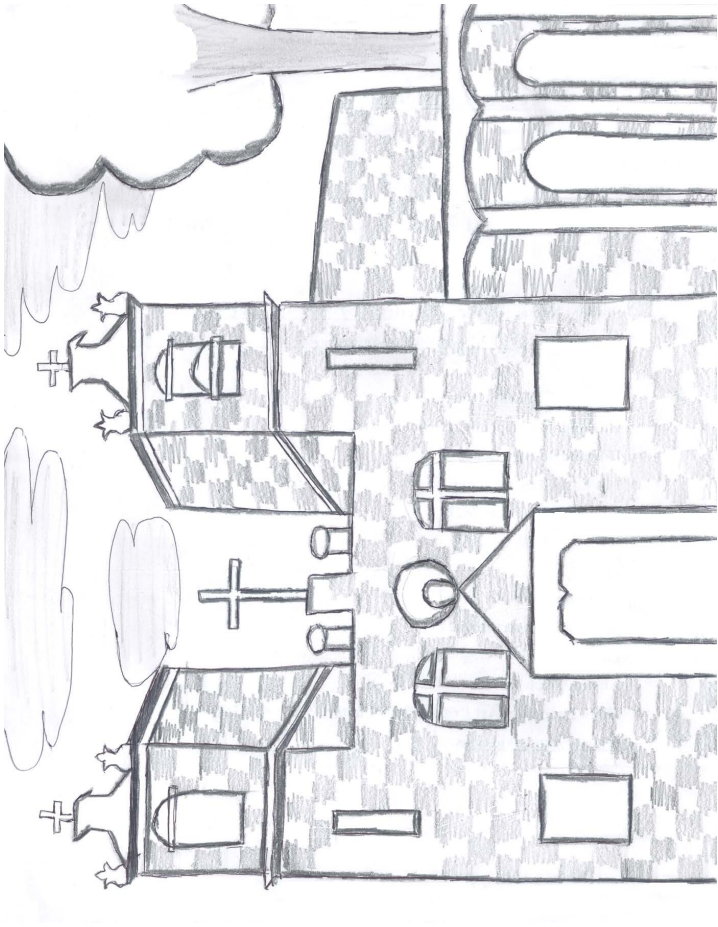
Chief Counsel

Texas Health and Human Services Commission

Effective date: August 6, 2025

For further information, please call: (512) 438-2910

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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 13. CULTURAL RESOURCES

PART 2. TEXAS HISTORICAL COMMISSION

CHAPTER 16. HISTORIC SITES

13 TAC §16.3

The Texas Historical Commission (hereinafter referred to as the "commission") adopts amendments to the Texas Administrative Code, Title 13, Part 2, Chapter 16, §16.3 related to Addition of Historic Sites to the Texas Historical Commission Historic Sites Program. This rule is adopted without changes to the text as published in the May 9, 2025, issue of the *Texas Register* (50 TexReg 2747) and will not be republished.

The agency did not receive any public comments on this amended rule.

The commission adopts these amendments pursuant to Texas Government Code § 442.0053, which authorize the commission to adopt rules for the acquisition and inclusion of real property in the historic sites system. The commission hereby certifies that the proposed amendments have been reviewed by legal counsel and found to be a valid exercise of the agency's authority.

No other statutes, articles, or codes are affected by the amendments.

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 August 7, 2025.

TRD-202502799

Joseph Bell

Executive Director

Texas Historical Commission

Effective date: August 27, 2025

Proposal publication date: May 9, 2025

For further information, please call: (512) 463-6100



TITLE 19. EDUCATION

PART 1. TEXAS HIGHER EDUCATION COORDINATING BOARD

CHAPTER 13. FINANCIAL PLANNING SUBCHAPTER Q. FINANCIAL AID FOR SWIFT TRANSFER (FAST) PROGRAM

19 TAC §13.501, §13.503

The Texas Higher Education Coordinating Board (Coordinating Board) adopts amendments to Title 19, Part 1, Chapter 13, Subchapter Q, §13.501 and §13.503, Financial Aid for Swift Transfer (FAST) Program, without changes to the proposed text as published in the June 13, 2025, issue of the *Texas Register* (50 TexReg 3533). The rules will not be republished.

This amendment expands eligibility for the program to include current educationally disadvantaged students who were not educationally disadvantaged in the prior four years, students enrolled in Windham School District high schools, and students who graduated high school but remain enrolled in Pathways in Technology Early College High School (P-TECH) and Rural Pathway Excellence Partnership (R-PEP) programs. The adopted amendments implement the provisions of House Bill 120 and Senate Bill 1786, 89th Texas Legislature. The Coordinating Board is authorized by Texas Education Code, §28.0095, to adopt rules as necessary to administer the FAST program.

Rule 13.501, Definitions, is amended by clarifying that for the purposes of the subchapter, the term "school district" includes the Windham School District. This conforms to statutory changes made in Senate Bill 1786, 89th Texas Legislature.

Rule 13.503, Eligible Students, is amended to reflect changes in FAST eligibility during the 89th Texas Legislature, as well as to improve administration of the program. Subsection (a)(1) is amended to change the reference from Texas Education Agency rules to state law, because Windham School District students are funded by the Foundation School Program (FSP) pursuant to Texas Education Code, §19.005. Subsection (a)(3), is amended to allow for a student to establish eligibility for FAST based on educationally disadvantaged status in the current year of enrollment, even if the student was not educationally disadvantaged in the prior four years. This conforms to statutory changes made in Senate Bill 1786, 89th Texas Legislature, amending Texas Education Code, §28.0095(c)(1).

Subsections (b) and (c) are amended to provide greater clarity regarding school districts' and institutions' responsibilities for confirming eligibility of students who were not educationally disadvantaged in the four years preceding enrollment in a dual credit course but are educationally disadvantaged in the current year. Subsection (b)(2) provides for direct notice by school districts to participating institutions, accounting for the fact that neither the Coordinating Board nor the Texas Education Agency would have available data to confirm the eligibility of these students. Subsection (c)(2) is added to note that a school district's notice to participating institutions regarding these students does not need to be confirmed by the Coordinating Board through the current verification process.

Subsection (d) is added to allow for more consistent administration of the program. The inclusion of students who are, but were not previously, educationally disadvantaged adds a layer of administrative complexity to the program. By aligning the eligibility determination process with the institution's census date, the new subsection allows participating institutions to have a predictable timeline for understanding their financial commitments relating to FAST.

Subsection (e) is added to clarify the meaning of high school enrollment in the context of FAST. Subsection (e)(1) codifies current practice and aligns with statute by defining high school as grade levels 9 through 12. Subsection (e)(2), based on House Bill 120, defines two enrollment situations in which a student who has already graduated from high school may still be eligible for the FAST program.

The following comments were received regarding the adoption of the new rule.

Comment: Educate Texas and Texas 2036 commented to register their support for the rule amendments made in alignment with legislative changes to the FAST program in Senate Bill 1786.

Response: The Coordinating Board appreciates the comments.

The amendments are adopted under Texas Education Code, Section 28.0095, which provides the Coordinating Board with the authority to adopt rules as necessary to administer the FAST program.

The adopted amendments affect Texas Administrative Code, Chapter 13 and Chapter 4; and Texas Education Code, Chapter 19; Chapter 29, Subchapter N; and Sections 28.009, 28.0095, and 130.008.

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 August 8, 2025.

TRD-202502809

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Effective date: September 1, 2025

Proposal publication date: June 13, 2025

For further information, please call: (512) 427-6365



SUBCHAPTER R. STATE PUBLIC JUNIOR COLLEGE FINANCE PROGRAM REPORTING, AUDIT, AND OVERALLOCATION

19 TAC §§13.522, 13.524, 13.525, 13.527 - 13.529

The Texas Higher Education Coordinating Board (Coordinating Board) adopts amendments to Title 19, Part 1, Chapter 13, Subchapter R, §13.524, State Public Junior College Finance Program Reporting, Audit, and Overallocation, with changes to the proposed text as published in the June 13, 2025, issue of the *Texas Register* (50 TexReg 3535). The rule will be republished. Sections 13.522, 13.525, and 13.527 - 13.529 are adopted without changes and will not be republished.

Specifically, these amendments clarify the bounds on corrections to data that are used in calculating community college for-

mula funding. These time limits improve the administrability of the community college funding program and limit ongoing, unpredictable liabilities on state funds by restricting how far back in time data error corrections may occur while maintaining an appropriate process for recovery of funding overallocations. These amendments also change reporting deadlines for the Report of Fundable Operating Expenses (RFOE) and the Annual Financial Reporting data in Community College Reporting Analysis Tool (CARAT) to ensure that data are submitted in time to meet federal reporting requirements. These amendments also remove references to Chapter 13, Subchapter P, which has been repealed as Subchapter P only applied to fiscal year 2024, and adopt certain reporting manuals by reference, as authorized by Senate Bill 1786, 89th Texas Legislature, Regular Session, in order to formalize data reporting standards necessary for proper financial administration.

Rule 13.522, Definitions, is amended to remove references to Subchapter P across multiple definitions. This reference is no longer valid, as Subchapter P was in place to govern the community college finance program for fiscal year 2024. Subchapter P was repealed at the April 2025 Board meeting. New references to manuals adopted by reference are added.

Rule 13.524, Required Reporting, is amended to change the reporting deadline for the Report of Fundable Operating Expenses and the data reported in the Community College Reporting Analysis Tool from January 31 to December 31. This will ensure that data is submitted in a timely manner in order to meet federal reporting deadlines. New references to manuals adopted by reference are added.

Subsection (g) is added to specify that the Coordinating Board has adoption by reference authority to formalize data reporting standards and manuals that are necessary for the administration of the community college finance program.

Rule 13.525, Commissioner Review of Required Reporting; Data Reporting Errors, is amended to prevent corrections to data not used for funding from requiring the same level of process and review as is necessary when data corrections have financial consequences. It is also amended to enable the review and correction and data reporting errors that may have affected formula funding calculations for a payment occurring up to seven years ago.

Rule 13.527, Records Retention, is amended to specify the record retention policy. This will ensure that records are retained for a period of seven years beginning the last time the records are a direct input to formula funding calculations.

Rule 13.528, Recovery of Overallocated Funds, is amended to specify that the Coordinating Board shall recover overallocations of funding for up to seven years after an erroneous payment was made.

Rule 13.529, Payment of Under-allocated Funds, is amended to limit the period during which correction of an institution's data reporting error can result in additional funding for the institution to one year after the data's certification date. It is also amended to limit the payment of additional funding to an institution as a result of any error to the close-out process for the affected funding year(s).

Subsequent to the posting of the rules in the *Texas Register*, the following changes are incorporated into the adopted rule.

Subsections §13.524(b)(2) and (c)(1) are amended to return the reporting deadlines for the Report of Fundable Operating Ex-

penses and the Community College Reporting Analysis Tool to the originally adopted date of January 31.

The following comments were received regarding the adoption of the amendments.

Comment: Navarro College submitted a comment expressing concern regarding the proposed amendment to change the reporting deadline from January 31 to December 31, citing internal audit deadlines that will not allow for the college to be able to submit by December 31.

Response: The Coordinating Board thanks Navarro College for its comments and agrees with the sentiment expressed. In response to this and other comments to same effect, the Coordinating Board revised Section 13.524 effectively returning the deadlines for the Report of Fundable Operating Expenses and the Community College Reporting Analysis Tool to the originally published date of January 31.

Comment: Weatherford College submitted a comment expressing concern regarding the proposed amendment to change the reporting deadline from January 31 to December 31, citing internal audit deadlines that will not allow for the college to be able to submit by December 31.

Response: The Coordinating Board thanks Weatherford College for its comments and agrees with the sentiment expressed. In response to this and other comments to same effect, the Coordinating Board revised Section 13.524 effectively returning the deadlines for the Report of Fundable Operating Expenses and the Community College Reporting Analysis Tool to the originally published date of January 31.

Comment: Victoria College submitted a comment expressing concern regarding the proposed amendment to change the reporting deadline from January 31 to December 31, and notes that time constraints to submit both the Report of Fundable Operating Expenditure (RFOE) and the Community College Reporting Analysis Tool (CARAT) by December 31 will affect the accuracy of each report.

Response: The Coordinating Board thanks Victoria College for its comment and agrees with the sentiment expressed. In response to this and other comments to same effect, the Coordinating Board revised Section 13.524 effectively returning the deadlines for the Report of Fundable Operating Expenses and the Community College Reporting Analysis Tool to the originally published date of January 31.

Comment: Trinity Valley Community College submitted a comment expressing concern regarding the proposed amendment to change the RFOE reporting deadline from January 31 to December 31, as well as the submission deadline for the Annual Financial Report from January 31 to January 1.

Response: The Coordinating Board thanks Trinity Valley Community College for its comments and agrees with the sentiment expressed. In response to this and other comments to same effect, the Coordinating Board revised Section 13.524 effectively returning the deadlines for the Report of Fundable Operating Expenses and the Community College Reporting Analysis Tool to the originally published date of January 31.

Comment: Central Texas College submitted a comment expressing concern regarding the proposed amendment to change the reporting deadline from January 31 to December 31, noting there is not enough time to complete the reports by December 31.

Response: The Coordinating Board thanks Central Texas College for its comments and agrees with the sentiment expressed. In response to this and other comments to same effect, the Coordinating Board revised Section 13.524 effectively returning the deadlines for the Report of Fundable Operating Expenses and the Community College Reporting Analysis Tool to the originally published date of January 31.

Comment: San Jacinto College submitted a comment recommending the proposed amendment to change the reporting deadline for the Report of Fundable Operating Expenses and the Community College Reporting Analysis Tool remain as January 31, citing that the proposed December 31 deadline does not accommodate or properly consider financial schedules and statements that are common to most if not all institutions.

Response: The Coordinating Board thanks San Jacinto College for its comments and agrees with the sentiment expressed. In response to this and other comments to same effect, the Coordinating Board revised Section 13.524 effectively returning the deadlines for the Report of Fundable Operating Expenses and the Community College Reporting Analysis Tool to the originally published date of January 31.

Comment: San Jacinto College submitted a comment recommending that the timeline for Recovery of Overallocated Funds and the timeline for the Payment of Under-allocated Funds be more aligned. Currently, the state may recover over-allocations within seven years, but institutions may only make corrections for under-allocations within one year. From an equity of operations perspective, we believe it would be appropriate for the two timelines to be closer in length.

Response: The Coordinating Board thanks San Jacinto College for its comment and respectfully disagrees. The rule limiting payment of additional funding for an under-allocation resulting from a data reporting error to one year is designed to encourage accurate, on-time reporting. The overall restriction on under-allocation payments beyond the two-year close-out for a funding year prevents the creation of ongoing obligations that cross biennia, which would require the use of state appropriations that were not originally appropriated for that purpose. However, the Board has been advised by counsel that proper stewardship of taxpayer funds requires that overallocations be recoverable for a longer period.

The amendment is adopted under Texas Education Code, Section 130A.005, which provides the Coordinating Board with the authority to adopt rules and require reporting to implement the Public Junior College State Finance Program.

The adopted amendment affects Texas Education Code, Section 130A.006.

§13.524. Required Reporting.

(a) Required Reporting. A public junior college must submit data through required reporting mechanisms established by the Coordinating Board. The Coordinating Board may use information obtained through required reporting for:

- (1) calculating funding disbursed under this chapter;
- (2) providing timely data and analyses to inform management decisions by the governing body of each public junior college;
- (3) administering or evaluating the effectiveness of programs; or
- (4) auditing the program.

(b) Financial Reporting: The Community College Annual Reporting and Analysis Tool (CARAT) and Annual Financial Report (AFR) Reporting.

(1) Standards. Each public junior college must submit their Annual Financial Report (AFR) for the preceding fiscal year by January 1. The public junior college must submit the AFR following the requirements provided in the manual adopted pursuant to subsection (g)(7) of this section.

(2) Format. Each public junior college must report AFR data for each completed fiscal year as prescribed in the Community College Reporting and Analysis Tool (CARAT) manuals adopted pursuant to subsection (g)(7) and (g)(8) of this section by January 31 of the following fiscal year.

(3) Review Process. The Commissioner of Higher Education will update the AFR Manual, as required by Texas Education Code, §61.065. The AFR Manual will conform to Governmental Accounting Standards Board (GASB) statements and guidance.

(c) Financial Reporting: Report of Fundable Operating Expenses (RFOE).

(1) Standards. Each public junior college must report all instructional expenses from each completed fiscal year for each institutional discipline and unallocated administrative expenses as defined in the RFOE manual adopted pursuant to subsection (g)(7) of this section by January 31 of the following fiscal year.

(2) Coordinating Board staff shall use the data provided on expenses at public junior colleges to produce a study of costs for each instructional discipline each year. This study will review all expenses made by institutions for instruction and administration from all unrestricted sources of funds, including appropriated general revenue, tuition and fees, contract instruction, other educational and general revenue, and local tax revenue.

(d) Financial Reporting: Integrated Fiscal Reporting System (IFRS).

(1) Standards. Each public junior college shall report comprehensive tuition and fee financial data each fiscal year through IFRS as defined in the IFRS manual adopted pursuant to subsection (g)(6) of this section.

(2) The Coordinating Board may use data reported through IFRS to establish average annual tuition and fee charges as necessary to implement this chapter.

(e) Academic Reporting: Education Data System reporting.

(1) Standards. Each public junior college must use data standards established by the Commissioner of Higher Education to submit required information relating to the delivery of educational programs. The Commissioner of Higher Education shall adopt and publish annually data standards in official Coordinating Board publications, including through the Coordinating Board Management (CBM) Reporting and Procedures Manual for Texas Community, Technical, and State Colleges as adopted pursuant to subsection (g)(2) of this section. The Coordinating Board will widely disseminate this publication, which will include:

(A) descriptions of the data collections and submission requirements;

(B) descriptions of data elements and the codes used to report them, including data used to calculate Full-Time Student Equivalent enrollments, Texas Success Initiative eligibility of students, student transfer, dual credit or dual enrollment, the number and type of credentials conferred, and other relevant student characteristics;

(C) detailed responsibilities of public junior colleges in connection to the data submission process, including each deadline for submission and resubmission; and

(D) descriptions of data submission requirements, including submission record layout specifications and data edit specifications.

(2) A public junior college may report a student in attendance on the approved course census date for the purpose of funding under this subchapter, in accordance with Texas Education Code, §130A.008.

(3) Review Process. The Commissioner of Higher Education shall review the CBM Reporting and Procedures Manuals annually. The Commissioner of Higher Education may approve changes to the data and reporting standards outside of the annual review process to expedite implementation of data collections and reporting.

(4) Certification. The reporting official for each public junior college must certify the accuracy of the report by a certification statement submitted to the Coordinating Board's Educational Data Center in accordance with the template and instructions provided in the CBM Reporting and Procedures Manual.

(5) Credential Reporting. Each institution shall report all credentials conferred to a student in the manner prescribed in §13.643(10) and (14) of this chapter (relating to Definitions) and in accordance with the CBM Reporting and Procedures Manual for Texas Community, Technical, and State Colleges as adopted pursuant to subsection (g)(2) of this section.

(f) Academic Reporting: Ad Hoc Reporting Requests. As necessary to implement this chapter, the Commissioner of Higher Education may determine the need for additional, limited, supplemental requests for data and information from public junior colleges. To the extent Ad Hoc Reporting Requests may determine or influence funding disbursements under this subchapter, the Coordinating Board shall require the reporting official or another Coordinating Board designated official for each public junior college to certify the accuracy of the information contained in the report.

(g) Adoption by Reference. The Coordinating Board adopts the following manuals, including their appendices, by reference, in accordance with Texas Education Code, §61.0275:

(1) Coordinating Board Management Reporting and Procedures Manual for Career Schools and Colleges and Private and Out-of-State Public Postsecondary Institutions, version "Effective Fall 2025;"

(2) Coordinating Board Management Reporting and Procedures Manual for Texas Community, Technical, and State Colleges, version "Effective Fall 2025;"

(3) Coordinating Board Management Reporting and Procedures Manual for Texas Health-Related Institutions, version "Effective Fall 2025;"

(4) Coordinating Board Management Reporting and Procedures Manual for Texas Independent Colleges and Universities, version "Effective Fall 2025;"

(5) Coordinating Board Management Reporting and Procedures Manual for Texas Public Universities, version "Effective Fall 2025;"

(6) User Manual for Report of Fundable Operating Expenses (RFOE), version "November 2020;"

(7) Budget Requirements and Annual Financial Reporting Requirements for Texas Public Community Colleges, version "Fiscal Year 2025;"

(8) Community College Annual Reporting and Analysis Tool (CARAT) User's Guide, version "November 2020;"

(9) Integrated Fiscal Reporting System (IFRS) Handbook for Reporting Officials, version "October 2025;" and

(10) Financial Aid Database (FAD) Report Manual 2024-2025 (FY 2025).

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

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For further information, please call: (512) 427-6495



SUBCHAPTER S. COMMUNITY COLLEGE FINANCE PROGRAM: BASE AND PERFORMANCE TIER METHODOLOGY FOR FISCAL YEAR 2025

19 TAC §13.564

The Texas Higher Education Coordinating Board (Coordinating Board) adopts amendments to Title 19, Part 1, Chapter 13, Subchapter S, §13.564, Community College Finance Program: Base and Performance Tier Methodology for Fiscal Year 2025, without changes to the proposed text as published in the June 13, 2025, issue of the *Texas Register* (50 TexReg 3539). The rule will not be republished.

Specifically, this amendment clarifies that Chapter 13, Subchapter S, rules apply to the calculation of foundation payments made in fiscal year 2025, and prior and future adjustments of those payments under the dynamic funding model. New Chapter 13, Subchapter V, rules adopted in separate rulemaking will govern new foundation payments beginning in fiscal year 2026, and incorporates the policies set forth by legislation passed by the 89th Texas Legislature.

This subchapter is retitled to specify that Chapter 13, Subchapter S, rules apply only to fiscal year 2025.

No comments were received regarding the adoption of the amendments.

The amendment is adopted under Texas Education Code, Section 130A.005, which provides the Coordinating Board with the authority to adopt rules and take other actions consistent with Texas Education Code, Chapter 61, Chapter 130, and Chapter 130A, to implement House Bill 8, 88th Texas Legislature, Regular Session.

The adopted amendment affects Texas Education Code, Sections 28.0295, 61.003, 61.059, 130.003, 130.0031, 130.0034, 130.008, 130.085, 130.310, 130.352, and Chapter 130A.

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

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SUBCHAPTER T. COMMUNITY COLLEGE FINANCE PROGRAM: HIGH-DEMAND FIELDS

19 TAC §13.594

The Texas Higher Education Coordinating Board (Coordinating Board) adopts amendments to Title 19, Part 1, Chapter 13, Subchapter T, §13.594, High-Demand Fields Methodology, without changes to the proposed text as published in the June 13, 2025, issue of the *Texas Register* (50 TexReg 3540). The rule will not be republished.

Specifically, this amendment creates administrative flexibility to determine the academic fields that are linked to occupations identified as being in high demand when no corresponding academic fields are listed in the crosswalk developed by the Bureau of Labor Statistics and National Center for Education Statistics, which is currently the only allowable means of making such linkages.

This amendment is necessary to more effectively discharge the requirement that the Coordinating Board provide additional performance funding to community colleges when a credential is earned "in a high-demand occupation, as defined by coordinating board rule, or an appropriate proxy determined by the coordinating board based on available data", pursuant to Texas Education Code Section 130A.101(c)(1).

The following comment was received regarding the adoption of the amendments.

Comment: The Texas Healthcare and Bioscience Institute (THBI) submitted a comment expressing their support for the amendment to create flexibility to identify academic programs that align with high-demand occupations. THBI noted that this change is both practical and essential, and will ensure that funding mechanisms for community colleges will more accurately reflect labor market needs across high-growth industries like biotechnology, medical device manufacturing, bioinformatics, and healthcare innovation.

Response: The Coordinating Board thanks THBI for the comment, and agrees with the sentiment expressed.

The amendment is adopted under Texas Education Code, Section 130A.101(c)(1), which provides the Coordinating Board with the authority to make rules defining when a college is entitled to additional performance tier funding for awarding a credential in a high-demand occupation or appropriate proxy.

The adopted amendment affects Texas Education Code, Section 130A.101.

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

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SUBCHAPTER U. COMMUNITY COLLEGE FINANCE PROGRAM: FORECASTING METHODOLOGY AND FINANCE POLICY

19 TAC §13.623, §13.624

The Texas Higher Education Coordinating Board (Coordinating Board) adopts amendments to Title 19, Part 1, Chapter 13, Subchapter U, §13.623, Community College Finance Program: Forecasting Methodology and Finance Policy, with changes to the proposed text as published in the June 13, 2025, issue of the *Texas Register* (50 TexReg 3541). The rule will be republished. Section 13.624 is adopted without changes and will not be republished.

Specifically, this amendment increases the rigor and precision of the forecasting methodology used to forecast student fundable outcomes for public junior colleges.

The Coordinating Board initially adopted rules relating to the new community college finance system for fiscal year 2025 in April 2024, including Chapter 13, Subchapter U. The adopted amendments contain the following substantive changes to the rules previously adopted by the Coordinating Board:

Section 13.623(6) is amended to limit the definition of fundable certified data to data used to calculate funding to appropriately limit the use of the most burdensome data correction process.

Section 13.624(a) is amended to remove references to Chapter 13, Subchapter S (concerning the Community College Finance Program: Base and Performance Tier Methodology). Pending Board approval, Subchapter S will apply only to fiscal year 2025, and separate subchapters will define the base and performance tier methodologies for each subsequent fiscal year. The forecasting rules must reference definitions that apply to the year in question.

Section 13.624(b) is amended to limit its applicability to fiscal year 2025 adjustments and the fiscal year 2026 foundation payment to keep the current methodology in place for the known payment amounts to be disbursed in fiscal year 2026, which have been the basis for appropriations deliberations.

Rule 13.624 is further amended with the addition of a new subsection (c), which includes multiple forecasting models as possibilities for forecasting each student fundable outcome starting with adjustments to fiscal year 2026 funding. The models will use time series cross validation as a statistical method for determining the model with the lowest values of two standards, commonly used statistical model thresholds: corrected Akaike information criterion (AICc) and root mean square error (RMSE). The

amendment provides for the selection of the optimal model out of three model options for forecasting student fundable outcomes to increase forecasting accuracy relative to the current one-option system.

Section 13.624(c), previously subsection (b), is amended to clarify what data will be used to conduct the time series cross validation, the length of which was determined to ensure that colleges can conduct this data analysis themselves prior to each funding year to determine which model(s) will be used to forecast their student fundable outcomes. This clarification ensures no post-hoc model selection will occur.

Section 13.624(e) and (f), previously subsections (d) and (e), are amended to remove references to Chapter 13, Subchapter S (see above relating to §13.624(a)) and to add clarity.

Subsequent to the posting of the rules in the *Texas Register*, a grammatical error in §13.623(5) is corrected and incorporated into the adopted rules.

The following comments were received regarding the adoption of the amendments.

Comment: San Jacinto College submitted a comment recommending that the new projection methodology not be applied/implemented until the FY27 foundation payment. San Jacinto College states that the projection methodology for the FY26 dynamic adjustment will be different than the projection methodology used for the FY26 foundation payment, and that this potentially adds unnecessary variability to the funding model in the middle of a fiscal year that will greatly complicate financial planning and create instability for institutions.

Response: The Coordinating Board thanks San Jacinto College for the comment and respectfully disagrees with the recommendation. The proposed rule amendments are designed to optimize the forecasting methodology and produce forecasts that are as accurate as possible. Creating forecasts that are as near actual outcomes as possible should reduce fluctuations in funding once forecasts are replaced by certified, actual data, thereby reducing model variability and simplifying financial planning. Because the dynamic adjustment only causes positive payment adjustments, the three-payment system will also continue to promote financial stability during mid-year model updates.

Comment: San Jacinto College submitted a comment requesting that the Coordinating Board describe as explicitly as possible the criteria to determine which projection model will be used for each fundable outcome. San Jacinto College asks if, based on prior presentations and the rules, a different projection model will potentially be used.

Response: The Coordinating Board thanks San Jacinto College for the comment and will continue to engage with community college stakeholders, particularly community college financial officers and data officials, to determine the most effective process to share the model criteria used for forecasting. A different projection model could be used for different fundable outcomes at the same college. The criteria used to determine model selection will include the corrected Akaike information criterion (AICc) and root mean square error (RMSE). Model selection will occur as a result of conducting time series cross-validation (TSCV) in which the three possible forecasting models for each fundable student outcome (ARIMA, ETS, RWD) will be trained and tested on the historical data up to two years prior to the current fiscal year. First, when training each forecasting model on a subset of the historical data, each model's parameter specifications will

be selected according to the set of parameters that produces the lowest model AICc. This will result in a set of best-fitting parameters for each possible forecasting model (ARIMA, ETS, RWD). Second, when testing each forecasting model on the remainder of the historical data, each model's performance will be assessed according to its RMSE value. The model that produces the lowest RMSE will be the model that is selected and used to forecast future data. TSCV will be conducted for each student fundable outcome, resulting in the best-fitting model selection tailored to the data for each student fundable outcome. Because the amended rules propose a selection of the best-fitting model across three model types (ARIMA, ETS, RWD), this means a different projection model is possible than prior rules and presentations, which were limited to only using ETS for forecasting all student fundable outcomes.

Comment: San Jacinto College submitted a comment recommending that Coordinating Board publish for each institution and for each fundable outcome, at the same time a funding calculation is published, an audit log that indicates which projection model was used, the respective parameters of the model, and the projection output.

Response: The Coordinating Board thanks San Jacinto College for the comment and agrees that the model selection information will be shared with colleges upon publication of the funding calculation. We will continue to engage with community college stakeholders, particularly community college financial officers and data officials, to determine the most effective process to share the model criteria related to forecasting for the foundation payments and adjustment over the course of the fiscal year.

The amendments are adopted under Texas Education Code, Section 130A.005, which provides the Coordinating Board with the authority to adopt rules and take other actions consistent with Texas Education Code, Chapter 61, Chapter 130, and Chapter 130A, to implement House Bill 8, 88th Texas Legislature, Regular Session. In addition, Texas Education Code, Section 130.355, permits the Coordinating Board to establish rules for funding workforce continuing education.

The adopted amendments affects Texas Education Code, Chapter 130A, and Sections 61.059 and 130.0031.

§13.623. Definitions.

The following words and terms, when used in this subchapter, shall have the following meanings:

(1) **Certified Outcomes**--Data reported by each institution for the number of fundable outcomes, or used to calculate the number of fundable outcomes, as defined by this chapter, generated in a prior fiscal year as required by a Coordinating Board rule, reporting manual, or other data submission instructions.

(2) **Close-Out Adjustment**--The amount added to or subtracted from the first formula funding payment made to a public junior college in a fiscal year to account for variance between the sum of all foundation payments and adjustments for a prior fiscal year and the recalculation of the performance tier portion of the foundation payment for the fiscal year based exclusively on fundable certified outcomes data. The first application of the close out adjustment will be to FY 2027 funding based on variance in FY 2025 funding.

(3) **Dynamic Adjustment**--The amount added to the second formula funding payment made to a public junior college in a fiscal year in the amount by which the foundation payment for that fiscal year as initially calculated is less than the recalculation of the foundation payment using data, including preliminary outcomes data, that have

become available since the initial calculation. Dynamic adjustments may not be a negative amount.

(4) **Error Adjustment**--An ad hoc funding adjustment made by the Coordinating Board after the close-out adjustment to account for data or processing errors discovered after the close-out adjustment, as authorized by subchapter R of this chapter (relating to State Public Junior College Finance Program: Reporting, Audit, and Overallocation).

(5) **Foundation Payment**--The total of the base and performance tier payments to which a public junior college may be entitled for a given fiscal year, calculated by application of methodologies prescribed in this chapter relating to the base and performance tier methodologies of the community college finance program for the fiscal year in question. The Commissioner of Higher Education shall calculate the foundation payment for a fiscal year at the level calculated as of June 1 prior to the start of the fiscal year unless the Commissioner of Higher Education determines that calculation on that date could result in inaccurate funding to one or more institutions.

(6) **Fundable Certified Data**--Data reported by a public junior college and used to calculate funding amounts disbursed under this subchapter for which both the certification date specified in the applicable rule or reporting manual or other data submission instructions and the date of May 1 of the current fiscal year have passed. The Coordinating Board shall use Fundable Certified Data as of May 1 of the current fiscal year to calculate the foundation payment amount for the next fiscal year.

(7) **Institution**--In this subchapter, means a public junior college, public junior college district, or community college as defined in Texas Education Code, chapters 130 or 130A, unless expressly provided otherwise.

(8) **Preliminary Outcomes**--The Coordinating Board shall calculate the preliminary outcomes based on data on the number of fundable outcomes reported by public junior colleges generated in the prior year for the purpose of calculating the dynamic adjustment and settle-up adjustment.

(9) **Public Junior College**--In this subchapter, means a public junior college, public junior college district, or community college as defined in Texas Education Code, chapters 130 or 130A, unless expressly provided otherwise.

(10) **Settle-Up Adjustment**--The amount added or subtracted to a college's current-year funding to account for variance between the prior-year foundation payment plus dynamic adjustment and the recalculation of the prior-year foundation payment based on preliminary data from the prior year itself. The Settle-Up Adjustment first applies to FY 2026 when the FY 2025 forecast is compared to FY 2025 preliminary outcomes.

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

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SUBCHAPTER V. COMMUNITY COLLEGE FINANCE PROGRAM: BASE AND PERFORMANCE TIER METHODOLOGY FOR FISCAL YEAR 2026

19 TAC §§13.640 - 13.651

The Texas Higher Education Coordinating Board (Coordinating Board) adopts new rules in Title 19, Part 1, Chapter 13, Subchapter V, §§13.643 and §13.646, Community College Finance Program: Base and Performance Tier Methodology for Fiscal Year 2026, with changes to the proposed text as published in the June 13, 2025, issue of the *Texas Register* (50 TexReg 3544). The rules will be republished. Sections 13.640 - 13.642, 13.644, 13.645, and 13.647 - 13.651 are adopted without changes and will not be republished.

The new rules, concern the administration of the community college finance system established by House Bill 8, 88th Texas Legislature, Regular Session, and further refined by Senate Bill 1786, 89th Texas Legislature, Regular Session, in Texas Education Code, chapter 130A. Specifically, this new section clarifies that Chapter 13, Subchapter V, rules apply to the Coordinating Board's calculation of foundation payments made in Fiscal Year (FY) 2026 and future adjustments of those payments under the dynamic funding model, and it also contains a number of modifications relating to specific issue areas, as detailed below. Subsequently, Subchapter S has continued authority for FY 2025 only.

The Coordinating Board initially adopted the regular rules relating to the community college finance system in April 2024 for FY 2025, including Chapter 13, Subchapter S. The adopted Subchapter V rules perform the same functions as Chapter 13, Subchapter S, which establishes all definitions, methods, weights and rates for the base and performance tiers, but apply to funding year FY 2026. The adopted rules make the following substantive changes for FY 2026 to the rules previously adopted by the Coordinating Board for FY 2025:

1. Modification of the Transfer Fundable Outcome to include transfers to a private or independent university as eligible to receive the transfer fundable outcome (see proposed §13.646(e));
2. Clarification of the Transfer Fundable Outcome and Co-Enrollment Fundable Outcome to ensure there is not duplicative funding for a student who earned the co-enrollment outcome by excluding from funding students for which any institution already earned the transfer outcome and to require an institution to submit the written agreement establishing their structured co-enrollment program with a general academic institution to be eligible for funding of the co-enrollment outcome (see proposed §§13.643(34), 13.646(e), and 13.646(f));
3. Removal of the expiration dates on the contact hour and semester credit hour minima for Institutional Credentials Leading to Licensure (ICLCs) and Third-Party Credentials (see proposed §13.646(b)(1)(C)) to ensure that the credentials are of value, as required by Texas Education Code, chapter 130A.101; and
4. Limitations on fundability of credentials conferred to the same student in the same year (see proposed §13.646(h)).

The adopted Subchapter V maintains continuity with existing rules in Subchapter S while proposing the changes listed above and ensuring the applicability of the rules beyond the 2025 fiscal year.

Rule 13.640, Purpose, establishes that the purpose of Subchapter V is to continue to refine the community college finance system established by H.B. 8 (88R).

Rule 13.641, Authority, establishes the portions of the Texas Education Code (TEC) that authorize the Coordinating Board to adopt rules pertaining to community college finance.

Rule 13.642, Applicability, states that the Coordinating Board will apply the rules in effect for the fiscal year in which the funding was delivered, unless otherwise provided. This provision provides guidance to institutions on which rules will apply as the Coordinating Board iterates and refines the community college finance framework. This also clarifies that this subchapter is applicable to fiscal year 2026 base tier and performance tier calculations for funding purposes.

Rule 13.643, Definitions, lists definitions pertinent to the community college finance system. This section provides only general meanings of terms and reserves substantive policy detail for the sections described below.

Rule 13.644, Base Tier Allotment, establishes the calculations used to determine Base Tier funding that the legislature entitled community colleges to receive under TEC, §§130A.051-130A.056. To summarize, Base Tier funding is calculated as Instruction and Operations (I&O) minus Local Share. If Local Share is greater than Instructions and Operations, then Base Tier funding is zero.

Rule 13.645, Performance Tier Funding, establishes the components of the Performance Tier portion of community college funding, codified under TEC, chapter 130A, subchapter C. Performance Tier funding consists of the number of Fundable Outcomes each community college produces, weighted according to certain Fundable Outcome Weights and multiplied by relevant rates. The Coordinating Board determines institutions' weighted fundable outcome completions based on the better of the average of three fiscal years or the current fiscal year.

Rule 13.646, Performance Tier: Fundable Outcomes, describes the outcomes that are eligible to receive performance tier funding. Outcomes consist of the categories of 1) fundable credentials; 2) credential of value premium; 3) dual credit fundable outcomes; 4) transfer fundable outcomes; 5) structured co-enrollment fundable outcomes; and (6) Opportunity High School Diploma fundable outcomes. The paragraphs concerning §13.646 below focus on the specific ways in which this rule differs substantively from the analogous current rule governing fundable outcomes for fiscal year 2025.

Subsection (b)(2) adds the definition for Credential of Value added in new TEC, §130A.102, applicable to associate degrees awarded beginning in the 2025 - 2026 school year. This definition implements the statute, as amended by the 89th Texas Legislature, to set out the methodology and data sources used by the coordinating board to determine whether each associate degree meets the credential of value threshold to be eligible for funding.

Subsection (b)(2)(D) adds the definition of "individual self-sufficient wage" as required by new Section 130A.102. This definition includes a calculation that is a component of the definition of "credential of value" methodology. The calculation aligns with Government Code 2308A, as required by law, and established a minimum salary component to ensure a credential is of value to a student against an objective metric.

Subsection (h) limits performance tier funding to the first credential of each type that an institution confers to the same student in the same year, unless a subsequent credential is conferred in a high-demand field, in which case the high-demand field credential will be funded. It also requires that a student have completed a credential no earlier than June 1, 2025 (or May 1, 2025, if the credential was granted through reverse transfer) for the credential to be eligible for funding if a college reports it as having been conferred in fiscal year 2026. This provision promotes efficient conferral and reporting of credentials after they are earned and ensures that performance funding reflects outcomes actually achieved in the year in question to incentivize institutions to educate and confer credentials to additional students as part of the finance system

Rule 13.647, Performance Tier: Fundable Outcome Weights, establishes the weights that the Coordinating Board applies to the fundable outcomes achieved by students in the categories of economically disadvantaged, academically disadvantaged, and adult learners, for the purposes of performance tier funding, as required by TEC, §130A.101. Institutions earn an additional weight of 25% for a fundable outcome when that outcome is achieved by an economically disadvantaged or academically disadvantaged student and an additional weight of 50% when the outcome is achieved by an adult learner.

Rule 13.648, Performance Tier: High-Demand Fields, establishes that an institution will receive additional weight for awarding credentials delivered in disciplines listed as a High-Demand Field. This is described in more detail in Subchapter T of this chapter.

Rule 13.649, Performance Tier: Rates, sets the monetary rates for each type of fundable outcome achieved by an institution. These fundable outcomes include the conferring of fundable credentials (including associate degrees, bachelor's degrees, and many types of workforce credentials), the credential of value premium, student completion of 15 dual credit hours, and successful student transfer to a public four-year institution. Rates are generally maintained for consistency with those set for fiscal year 2025 formula funding.

Rule 13.650, Shared Services Report, stipulates that smaller community college districts receiving a Base Tier scale adjustment must submit a report on their participation in shared services, and describes the content of this shared report. This provision carries out a statutory requirement for small schools to submit this report, codified in TEC, §130A.054(e).

Rule 13.651, Effective Date of Rules, states that the proposed rules will take effect on September 1, 2025, which is the start of the 2026 fiscal year, and apply only to the calculation of fiscal year 2026 funding amounts and the calculation of fiscal year 2026 funding adjustments pursuant to Subchapter U of this chapter.

Subsequent to the posting of the rules in the *Texas Register*, the following changes are incorporated into the adopted rules.

Section 13.643 is amended to add a new definition for the term "net cost of attendance," which was previously undefined for purposes of the credential of value methodology, though it is defined elsewhere in Coordinating Board rules. These definitions will align.

Section 13.646(b)(2)(D) is amended to correct a typographical error to reference the correct definition number. The new section on Credential of Value baseline for associates degrees refer-

ences individual self-sufficient wage as definition (26) but should reference definition (25).

The following comments were received regarding the adoption of the new rule.

Comment: San Jacinto College submitted a comment recommending in §13.643, Definitions (1) Academically Disadvantaged, (2) Adult Learner, and (18) Economically Disadvantaged, that the methodology for identifying the respective student population be added with the greatest specificity possible, e.g., including specific references to CBM reports. That methodology is known and should be documented explicitly.

Response: The Coordinating Board thanks San Jacinto College for the comment and agrees with the sentiment expressed but does not believe that Coordinating Board rules are the most expedient venue for fully documenting all technical points of data methodology. We will continue to work with community college stakeholders to determine the most effective process to share the methodology and documentation for identifying these student groups.

Comment: San Jacinto College submitted a comment recommending in (2) Credential of Value Baseline - Associate Degree that additional instructional programs be added to Figure: 19 TAC §13.646(b)(2). Specifically, instructional programs for which a baccalaureate or master's degree is required for entry into careers of value should be added, such as - 42, Psychology; - 45, Social Sciences; and - 50, Visual and Performance Arts. Achieving a return on investment (ROI) after completing an associate degree in these disciplines requires 7 years: 2 years to complete the bachelor's degree required for the careers that correspond to the programs followed by up to 5 years of earnings. Realistically however, it is more valid to apply a 10 year ROI timeframe for an associate degree in these disciplines given that (a) 2 years to complete the bachelor's degree requires full-time attendance which the current average time to completion for a bachelor's degree in Texas indicates is not the experience of many students and (b) many of the careers correspond to instructional programs in the noted CIP codes require a master's degree which adds another 2 years to attain ROI. Thus, we do not believe applying a 5-year ROI requirement to associate degrees in these disciplines is valid. Funding associate degrees in these disciplines as baseline credentials of value is critically important. These instructional programs at community colleges provide annually a lower cost pathway for thousands of Texas students into careers such as clinical psychology, counseling psychology, psychopharmacology, criminology, economics, international relations and national security studies, sociology, graphic design, film/video production, intermedia/multimedia, music, and music management. We believe this recommended change is in the best interest of students, the State, and our institutions.

Response: The Coordinating Board thanks San Jacinto College for the comment but disagrees that it would be appropriate to apply the ten-year credential of value (COV) methodology to associate degrees in the fields listed in the comment. The COV methodology is designed to fund a credential only when it provides a reliable return on investment and, in the case of most associate degrees, an individual self-sufficient wage even if the recipient does not pursue additional education; that is why students who earn additional credentials are excluded from the COV analysis cohort. To implement Senate Bill 1786, the Coordinating Board is requiring that most associate degrees, which require additional time and investment, achieve this threshold in

five years; but, in recognition that some associate degrees that do not meet the COV threshold may provide a reasonable value when paired with a bachelor's degree, the Coordinating Board will continue to fund transfer at a rate equal to the performance funding rate for associate degrees.

Comment: San Jacinto College submitted a comment recommending in (2) Credential of Value Baseline - Associate Degree that a statement be added to Figure: 19 TAC §13.646(b)(2): "Any instructional programs that are included on the current state or at least one current regional high-demand list are granted this exception." We believe there are currently instances in which instructional programs are both on the high demand list and among the degrees that do not meet the five-year return on investment standard. These two criteria appear to be in conflict with each other.

Response: The Coordinating Board thanks San Jacinto College for the comment but disagrees that it is permissible to exempt all associate degrees in an instructional program included on a high-demand fields list from the five-year return on investment threshold. The two criteria—high demand list and the five-year return on investment standard—are not in conflict. They are two independent factors within the formula. The high-demand fields lists identify program areas with the greatest likelihood of preparing students for occupations projected to experience the most growth statewide and regionally. The credential of value test assesses whether a credential meets a minimum standard of providing value to recipients.

Comment: Educate Texas submitted a comment supporting the addition of P-TECH as an eligible dual credit fundable outcome, acknowledging the essential role P-TECH plays in equipping students with credentials aligned to workforce demands. These code revisions will support the growth and expansion of P-TECH programs in the coming years.

Response: The Coordinating Board thanks Educate Texas for the comment and agrees with the comment. The Coordinating Board confirms that P-Tech offered as a dual credit course is a fundable outcome when offered by a public junior college. P-TECH programs are already able to generate performance funding across all outcomes, including the dual credit outcome, for community colleges that serve as P-TECH partners and dual credit course providers. If this understanding is incomplete or does not reflect the intent of the comment, the Coordinating Board encourages Educate Texas to be in further communication with staff.

Comment: Educate Texas submitted a comment regarding the expansion of performance tier funding to include the matriculation of community college credit earners to private or independent universities. This provision acknowledges the full range of successful transfer pathways and rightly values student mobility. Through initiatives like the Texas Transfer Alliance and the Texas Student Success Council (TSSC), Educate Texas brings together leaders from public and private universities, as well as community colleges, to improve credit mobility and student outcomes. We firmly champion all efforts to ensure credits earned at community colleges effectively transfer across the broader higher education landscape.

Response: The Coordinating Board thanks Educate Texas for the comment and agrees with the sentiment expressed.

Comment: Texas 2036 submitted a comment proposing an alternative methodology for calculating the earnings threshold that would better align with the economic realities most Texans

face. The current proposed rule would set a self-sufficiency wage threshold of \$30,000 annually, yet approximately 27 million Texans, 89% of the population, live in counties where this amount falls below their local self-sufficiency standard, as determined by the Texas Workforce Commission (TWC). We believe a population-weighted median could more effectively serve the policy's core objective of ensuring credentials lead to meaningful economic independence, while bridging the transition to a county-by-county calculation that would more accurately reflect regional differences in wages and cost of living.

Response: The Coordinating Board thanks Texas 2036 for the comment but disagrees that weighting the wage calculation by county population would be appropriate. While population weighting might better reflect the circumstances of more Texans, it would be a less accurate standard for more communities. The Coordinating Board finds that taking the median of county thresholds without weighting strikes the correct balance between these considerations at this time.

Comment: Texas 2036 submitted a comment recommending that the rules include a clear commitment to transitioning to a regionally based standard as soon as feasible, ideally with a proposed timeline and sunset of the current rules proposal. Incorporating regional variation over time will allow the COV framework to more accurately reflect localized return on investment, ensure institutions in lower-wage areas are not unfairly disadvantaged, and ensure that students across the state are assessed according to standards rooted in the cost-of-living conditions of their communities. Texas 2036 comments that they recognize that Texas's significant geographic and economic diversity ultimately requires a more sophisticated approach. SB 1786 addresses this need directly through a clear statutory directive in Section 14, which tasks the Coordinating Board with evaluating the feasibility of transitioning to a county-by-county definition of individual self-sufficient wage, once more robust data becomes available. Additionally, SB 1786 mandates improvements to TWC's data infrastructure and workforce data collection, specifically to support more granular analyses of employment and earnings. These improvements are intended to enable regionally tailored wage thresholds that can better account for local labor markets and cost-of-living conditions.

Response: The Coordinating Board thanks Texas 2036 for the comment and agrees with the sentiment expressed; however, the Coordinating Board disagrees that Coordinating Board rules would be an appropriate venue for the complex planning, interagency coordination, and policy development necessary achieve the letter and intent of SB 1786. The Coordinating Board will continue to ensure progress toward a more complex and regionally sensitive credential of value framework.

Comment: Texas 2036 submitted a comment encouraging the Coordinating Board to provide further clarity on how total cost of attendance is defined and calculated. The definition of a COV rightly focuses on return on investment, requiring that the majority of students in a given program earn more than the cumulative median earnings of Texas high school graduates, and recoup the net cost of attendance within five years. However, a detailed definition of what metrics are included in the calculation of students' net cost of attendance is not provided in statute or rule.

Response: The Coordinating Board thanks Texas 2036 for the comment and agrees that net cost of attendance requires additional detail in this context. The Coordinating Board amends at adoption §13.643 to define the net cost of attendance.

The new sections are adopted under Texas Education Code (TEC), Section 130A.005, which provides the Coordinating Board with the authority to adopt rules and take other actions consistent with TEC, Chapter 61, Chapter 130, and Chapter 130A, to implement House Bill 8, 88th Texas Legislature, Regular Session. In addition, TEC, Section 130.355, permits the Coordinating Board to establish rules for funding workforce continuing education.

The adopted new sections affect Texas Education Code, Sections 28.0295, 61.003, 61.059, 130.003, 130.0031, 130.0034, 130.008, 130.085, 130.310, 130.352 and Chapter 130A.

§13.643. Definitions.

The following words and terms, when used in this subchapter, shall have the following meanings:

- (1) Academically Disadvantaged--A designation that applies to postsecondary students who have not met the college-readiness standard in one or more Texas Success Initiative (TSI) assessments as provided by §4.57 of this title (relating to Texas Success Initiative Assessment College Readiness Standards), and who were not classified as either waived or exempt pursuant to §4.54 of this title (relating to Exemption).
- (2) Adult Learner--A student aged 25 or older on September 1 of the fiscal year for which the applicable data are reported, in accordance with Coordinating Board data reporting requirements.
- (3) Advanced Technical Certificate (ATC)--A certificate that has a specific associate or baccalaureate degree or junior level standing in a baccalaureate degree program as a prerequisite for admission. An ATC consists of at least 16 semester credit hours (SCH) and no more than 45 SCH and must be focused, clearly related to the prerequisite degree, and justifiable to meet industry or external agency requirements.
- (4) Associate Degree--An academic associate degree as defined under Texas Education Code, §61.003(11), or an applied associate degree as defined under Texas Education Code, §61.003(12)(B).
- (5) Baccalaureate Degree--A degree program that includes any grouping of subject matter courses consisting of at least 120 SCH which, when satisfactorily completed by a student, will entitle that student to an undergraduate degree from a public junior college.
- (6) Base Tier Funding--The amount of state and local funding determined by the Board for each public junior college that ensures the college has access to a defined level of funding for instruction and operations.
- (7) Base Year--The time period comprising the year of contact hours used for calculating the contact hour funding to public junior colleges. The Base Year for a funded fiscal year consists of the reported Summer I and II academic term from the fiscal year two years prior to the funded fiscal year; the Fall academic term one fiscal year prior to the funded fiscal year; and the Spring academic term one fiscal year prior to the funded fiscal year.
- (8) Basic Allotment--A calculation of the dollar value per Weighted FTSE, based on appropriations made in that biennium's General Appropriations Act pursuant to §13.644(c) of this subchapter (relating to Base Tier Allotment).
- (9) Census Date--The date upon which a college may report a student in attendance for the purposes of formula funding, as specified in the Coordinating Board Management (CBM) manual for the year in which the funding is reported.
- (10) Confer--An institution of higher education confers a credential when it determines that a student has met all requirements to earn the credential, as defined in paragraph (17) of this section, and updates the student's transcript to reflect completion of the credential program. Confer and award may be used synonymously.
- (11) Continuing Education Certificate--A credential awarded for completion of a program of instruction that meets or exceeds 360 contact hours and earns continuing education units. The certificate program is intended to prepare the student to qualify for employment; to qualify for employment advancement; or to bring the student's knowledge or skills up to date in a particular field or profession; and is listed in an institution's approved program inventory.
- (12) Credential of Value Baseline--A credential earned by a student that would be expected to provide a positive return on investment. Credential of Value Baseline methodology is described in §13.646 of this subchapter (relating to Performance Tier: Fundable Outcomes).
- (13) Credential of Value Premium Fundable Outcome--A fundable outcome earned by an institution for a credential earned by a student that would be expected to provide a wage premium. Credential of Value Premium methodology is described in §13.646 of this subchapter.
- (14) Credential Reporting--An institution of higher education reports a credential when it includes it in data submitted to the Coordinating Board pursuant to §13.524 of this chapter (relating to Required Reporting). An institution shall report a credential as having been conferred in the year or other applicable reporting period in which it was conferred pursuant to paragraph (10) of this section.
- (15) Credentialing Examination--A licensure or registration exam required by a state or national regulatory entity or a certification exam required by an authorized professional organization. An authorized professional organization is a national, industry-recognized organization that sets occupational proficiency standards, conducts examinations to determine candidate proficiency, and confers an industry-based certification.
- (16) Dual Credit or Dual Enrollment Fundable Outcome--An outcome achieved when a student earns at least 15 SCH or the equivalent of fundable dual credit or dual enrollment courses, defined as follows:
 - (A) Courses that qualify as dual credit courses as defined in §4.83(10) of this title (relating to Definitions); and
 - (i) Apply toward an academic or career and technical education program requirement at the postsecondary level; or
 - (ii) Are completed by a student who graduates with a Texas First Diploma, as codified in chapter 21, subchapter D of this title (relating to Texas First Early High School Completion Program).
- (B) All dual credit courses taken by a student enrolled in an approved Early College High School program, as provided by Texas Education Code, §28.009, or a student enrolled in the Windham School District, pursuant to Education Code, chapter 19, or a P-TECH program pursuant to Education Code, chapter 29, Subchapter N, except a physical education course taken by a high school student for high school physical education credit.
- (17) Earned--A student earns a credential when the student successfully completes the final semester credit hour or equivalent of a semester credit hour, as defined in paragraph (33) of this section, for the credential and has satisfied all other academic program requirements.

(18) Economically Disadvantaged--A designation that applies to postsecondary students who received the federal Pell Grant under 20 U.S.C. §1070a.

(19) Equivalent of a Semester Credit Hour--A unit of measurement for a continuing education course, determined as a ratio of one continuing education unit to 10 contact hours of instruction, which may be expressed as a decimal. One semester credit hour of instruction equals 1.6 continuing education units of instruction. In a continuing education course, not fewer than 16 contact hours are equivalent to one semester credit hour.

(20) Formula Funding--The funding allocated by the Coordinating Board among all public junior colleges by applying provisions of the Texas Education Code, agency rule, and the General Appropriations Act to a sector-wide appropriation from the General Appropriations Act.

(21) Full-Time Student Equivalent (FTSE)--A synthetic measure of enrollment based on the number of instructional hours delivered by an institution of higher education divided by the number of hours associated with full-time enrollment for the time period in question.

(22) Fundable Credential--As defined in §13.646(b) of this subchapter.

(23) Fundable Outcome Weights--A multiplier applied to eligible fundable outcomes to generate a Weighted Outcome Completion for use in determining the Performance Tier allocation. The methodology for each Fundable Outcome Weight is defined in §13.647 of this subchapter (relating to Performance Tier: Fundable Outcome Weights).

(24) High-Demand Fields--A field in which an institution awards a credential that provides a graduate with specific skills and knowledge required for the graduate to be successful in a high-demand occupation, based on the list of high-demand fields as defined in subchapter T of this chapter (relating to Community College Finance Program: High-Demand Fields).

(25) Individual Self-Sufficient Wage--The Coordinating Board calculates the Individual Self-Sufficient Wage for the purpose of this subchapter as the statewide median of county-level median self-sufficient wages as determined by the Texas Workforce Commission under Government Code, §2308A.012, rounded up to the nearest thousand dollars.

(26) Institutional Credentials Leading to Licensure or Certification (ICLC)--A credential awarded by an institution upon a student's completion of a course or series of courses that represent the achievement of identifiable skill proficiency and leading to licensure or certification. This definition includes a credential that meets the definition of an Occupational Skills Award in all respects except that the program may provide training for an occupation that is not included in the Local Workforce Development Board's Target Occupations list.

(27) Level 1 Certificate--A certificate designed to provide the necessary academic skills and the workforce skills, knowledge, and abilities necessary to attain entry-level employment or progression toward a Level 2 Certificate or an Applied Associate Degree, with at least 50% of course credits drawn from a single technical specialty. A Level 1 Certificate must be designed for a student to complete in one calendar year or less time and consists of at least 15 semester credit hours and no more than 42 semester credit hours.

(28) Level 2 Certificate--A certificate consisting of at least 30 semester credit hours and no more than 51 semester credit hours. Students enrolled in Level 2 Certificates must demonstrate meeting col-

lege readiness standards set forth in §4.57 of this title and other eligibility requirements determined by the institution.

(29) Local Share--The amount determined to be the institution's contribution of local funds to the Instruction and Operations (I&O) amount for each public junior college. The amount consists of estimated ad valorem maintenance and operations tax revenue and tuition and fees revenue, as determined by the Board.

(30) Net Cost of Attendance--Expenses incurred by a student in attending a particular college, including tuition, fees, books and supplies, room and board, transportation, and other personal expenses, less the student's estimated merit- and need-based grant aid.

(31) Non-Formula Support Item--An amount appropriated by line item in the General Appropriations Act to a single public junior college or limited group of colleges for a specific, named purpose.

(32) Occupational Skills Award (OSA)--A sequence of courses that meet the minimum standard for program length specified by the Texas Workforce Commission for the federal Workforce Innovation and Opportunity Act (WIOA) program (9-14 SCH for credit courses or 144-359 contact hours for workforce continuing education courses). An OSA must possess the following characteristics:

(A) The content of the credential must be recommended by an external workforce advisory committee, or the program must provide training for an occupation that is included on the Local Workforce Development Board's Target Occupations list;

(B) In most cases, the credential should be composed of Workforce Education Course Manual (WECM) courses only. However, non-stratified academic courses may be used if recommended by the external committee and if appropriate for the content of the credential;

(C) The credential complies with the Single Course Delivery guidelines for WECM courses; and

(D) The credential prepares students for employment in accordance with guidelines established for the Workforce Innovation and Opportunity Act.

(33) Opportunity High School Diploma Fundable Outcome--An alternative means by which adult students enrolled in a workforce program at a public junior college may earn a high school diploma at a college through concurrent enrollment in a competency-based program, as codified in Texas Education Code, chapter 130, subchapter O, and Texas Administrative Code, Title 19, Part 1, Chapter 12.

(34) Semester Credit Hour (SCH)--A unit of measure of instruction, represented in intended learning outcomes and verified by evidence of student achievement, that reasonably approximates one hour of classroom instruction or direct faculty instruction and a minimum of two hours out of class student work for each week over a 15-week period in a semester system or the equivalent amount of work over a different amount of time. An institution is responsible for determining the appropriate number of semester credit hours awarded for its programs in accordance with Federal definitions, requirements of the institution's accreditor, and commonly accepted practices in higher education.

(35) Structured Co-Enrollment Fundable Outcome--A student who earns at least 15 semester credit hours at the junior college district in a program structured through a binding written agreement between a general academic teaching institution and a community college submitted and certified to the Coordinating Board pursuant to §13.524 of this chapter (related to Required Reporting). Under such a program, students will be admitted to both institutions and recognized as having

matriculated to both institutions concurrently. The Structured Co-enrollment Fundable Outcome does not include courses fundable under the Dual Credit or Dual Enrollment Fundable Outcome.

(36) Third-Party Credential--A certificate as defined in Texas Education Code, §61.003(12)(C), that is conferred by a third-party provider. The third-party provider of the certificate develops the instructional program content, develops assessments to evaluate student mastery of the instructional content, and confers the third-party credential. A third-party credential that meets the requirements of §13.646 of this subchapter is fundable in accordance with that section.

(37) Transfer Fundable Outcome--An institution earns a fundable outcome in the Performance Tier under §13.645 of this subchapter (relating to Performance Tier Funding) when a student enrolls in a general academic teaching institution or a private or independent institution of higher education, as defined in Texas Education Code, §61.003, after earning at least 15 semester credit hours from a single public junior college district as established under §13.646(e) of this subchapter. For the purpose of this definition, semester credit hours (SCH) shall refer to semester credit hours or the equivalent of semester credit hours.

(38) Weighted Full-Time Student Equivalent (Weighted FTSE or WFTSE)--A synthetic measure of enrollment equal to the number of instructional hours delivered by an institution of higher education divided by the number of hours associated with full-time enrollment for the fiscal year two years prior to the one for which formula funding is being calculated, where the hours delivered to students with certain characteristics carry a value other than one.

(39) Weighted Outcomes Completion--A synthetic count of completions of designated student success outcomes where outcomes achieved by students with certain characteristics carry a value other than one. The synthetic count may also represent a calculation, such as an average or maximizing function, other than a simple sum.

§13.646. Performance Tier: Fundable Outcomes.

(a) This section contains definitions of Fundable Outcomes eligible for receiving funding through the Performance Tier. An institution's Performance Tier funding will consist of the count of Fundable Outcomes, multiplied by weights identified in §13.647 of this subchapter (relating to Performance Tier: Fundable Outcome Weights) as applicable, multiplied by the monetary rates identified in this subchapter. A credential's eligibility for funding as a fundable credential is subject to the limitations set out in subsection (h) of this section. Fundable Outcomes consist of the following categories:

- (1) Fundable Credentials;
- (2) Credential of Value Premium;
- (3) Dual Credit Fundable Outcomes;
- (4) Transfer Fundable Outcomes;
- (5) Structured Co-Enrollment Fundable Outcomes; and
- (6) Opportunity High School Diploma Fundable Outcomes.

(b) Fundable Credentials.

(1) A fundable credential is defined as any of the following:

(A) Any of the following credentials awarded by an institution that meets the criteria of a credential of value as defined in paragraph (2) or (3) of this subsection using the most recent data available prior to the year in which the credential that is otherwise eligible

for funding is conferred and that the institution reported and certified to the Coordinating Board:

- (i) An associate degree;
- (ii) A baccalaureate degree;
- (iii) A Level 1 or Level 2 Certificate;
- (iv) An Advanced Technical Certificate; and
- (v) A Continuing Education Certificate.

(B) An Occupational Skills Award awarded by an institution that the institution reported and certified to the Coordinating Board;

(C) An Institutional Credential Leading to Licensure or Certification (ICLC) not reported pursuant to subparagraph (B) of this paragraph and that the institution reported and certified to the Coordinating Board. The credential shall meet one of the following criteria:

(i) The credential includes no fewer than 144 contact hours or nine (9) semester credit hours; or

(ii) The credential is awarded in a high demand field, as defined in Coordinating Board rule, and includes no fewer than 80 contact hours or five (5) semester credit hours; or

(D) A Third-Party Credential that meets the following requirements:

(i) The third-party credential is listed in the American Council on Education's ACE National Guide with recommended semester credit hours;

(ii) The third-party credential program content is either embedded in a course, embedded in a program, or is a stand-alone program;

(iii) The third-party credential is conferred for successful completion of the third-party instructional program in which a student is enrolled;

(iv) The third-party credential is included on the workforce education, continuing education, or academic transcript from the college; and

(I) The third-party credential includes no fewer than the equivalent of nine (9) semester credit hours or 144 contact hours; or

(II) The third-party credential is awarded in a high-demand field as defined in Coordinating Board rule, and includes no fewer than the equivalent of five (5) semester credit hours or 80 contact hours; and

(2) Credential of Value Baseline - Associate Degree. A credential identified in paragraph (1)(A)(i) of this subsection must meet the Credential of Value Baseline criteria as provided by this paragraph to be eligible as a Fundable Outcome, except when that credential is conferred under the fields appearing in Figure 1, according to the Classification of Instructional Programs promulgated by the U.S. Department of Education. When a credential identified in paragraph (1)(A)(i) of this subsection is conferred under fields appearing in Figure 1, it must meet the Credential of Value Baseline criteria as provided by paragraph (3) of this subsection to be eligible as a Fundable Outcome. Excluding the credentials identified in Figure 1, the baseline is met when a credential earned by a student would be expected to provide a positive return on investment and an individual self-sufficient wage within a period of five years.

Figure: 19 TAC §13.646(b)(2)

(A) A program demonstrates a positive return on investment when the majority of students statewide completing the credential, within a program area, are expected to accrue earnings greater than the cumulative median earnings of Texas high school graduates who do not hold additional credentials, plus recouping the net cost of attendance within five years after earning the credential.

(B) This calculation of return on investment shall include students' opportunity cost, calculated as the difference between median earnings for Texas high school graduates and estimated median earnings for students while enrolled for a period of two years.

(C) The Coordinating Board shall calculate the expected return on investment for each program based on the most current data available to the agency for the funding year for each program or a comparable program.

(D) The Coordinating Board shall determine whether a credential is expected to provide an individual self-sufficient wage within a period of five years by comparing the median real wage, as adjusted based on the Consumer Price Index calculated by the U.S. Bureau of Labor Statistics, earned by all recipients of the credential in their fifth year after receiving the credential according to all available data to the individual self-sufficient wage defined in accordance with §13.643(25) of this subchapter (relating to Definitions).

(E) In applying the methodology under this section to a program offering a credential in an emerging or essential high-demand field pursuant to §13.595(a) and (b) of this chapter (relating to Emerging and Essential Fields), the Coordinating Board may utilize other recent, relevant data, including:

(i) employer certifications provided under §13.595(b);

(ii) information on program design, including at minimum the cost and length of the program; and

(iii) any other information necessary for the Coordinating Board to apply the methodology under this section to the program proposed in an emerging or essential high-demand field.

(3) Credential of Value Baseline - Other Credentials. A credential identified in paragraph (1)(A)(ii), (1)(A)(iii), (1)(A)(iv), or (1)(A)(v) of this subsection and not subject to paragraph (2) of this subsection must meet the Credential of Value Baseline criteria as provided by this paragraph for eligibility as a Fundable Outcome. This baseline is met when a credential earned by a student would be expected to provide a positive return on investment within a period of ten years.

(A) A program demonstrates a positive return on investment when the majority of students statewide completing the credential, within a program area, are expected to accrue earnings greater than the cumulative median earnings of Texas high school graduates who do not hold additional credentials, plus recouping the net cost of attendance within ten years after earning the credential.

(B) This calculation of return on investment shall include students' opportunity cost, calculated as the difference between median earnings for Texas high school graduates and estimated median earnings for students while enrolled:

(i) Four years for baccalaureate degree holders;

(ii) Two years for associate degree holders; or

(iii) One year for holders of a Level 1 certificate, Level 2 certificate, Advanced Technical Certificate, or Continuing Education Certificate.

(C) The Coordinating Board shall calculate the expected return on investment for each program based on the most current data available to the agency for the funding year for each program or a comparable program.

(D) In applying the methodology under this section to a program offering a credential in an emerging or essential high-demand field pursuant to §13.595(a) and (b) of this chapter (relating to Emerging and Essential Fields), the Coordinating Board may utilize recent, relevant data, including:

(i) employer certifications provided under §13.595(b);

(ii) information on program design, including at minimum the cost and length of the program; and

(iii) any other information necessary for the Coordinating Board to apply the methodology under this section to the program proposed in an emerging or essential high-demand field.

(4) Notwithstanding subsection (h) of this section, the following limitations apply to a fundable credential:

(A) For a credential under paragraph (1)(B) or (C) of this subsection, if more than one credential that the institution awarded to a student includes the same contact hours, the institution may only submit one credential for funding;

(B) If an institution awarded to a student a credential eligible for funding under paragraph (1)(B) and (C) of this subsection and those credentials share the same contact hours, the institution shall submit for funding only the credential awarded under paragraph (1)(B) of this subsection; and

(C) A fundable credential excludes a degree or certificate awarded to a non-resident student enrolled in a 100-percent online degree or certificate program as defined in §2.202(4)(A) of this title (relating to Definitions) for a student who resides out-of-state.

(c) Credential of Value Premium. An institution earns a Credential of Value Premium for each student who completes a Fundable Credential under subsection (b)(1)(A) of this section as follows:

(1) The student completes the credential of value on or before the target year for completion that, for the majority of students who complete comparable programs, would enable the student to achieve a positive return on investment within the timeframe specified for the program as described in paragraph (2) of this subsection.

(2) For each program, the Coordinating Board shall calculate the year in which the majority of comparable programs would be projected to have the majority of their students achieve a positive return on investment.

(3) Each year, the Coordinating Board shall publish a list of the target years for completion for each program.

(d) Dual Credit Fundable Outcome. An institution achieves a Dual Credit Fundable Outcome when a student has earned a minimum number of eligible dual credit semester credit hours, as defined in §13.643(16) of this subchapter (relating to Definitions).

(e) Transfer Fundable Outcome.

(1) An institution earns a transfer fundable outcome when a student enrolls in a general academic teaching institution (GAI), as defined in Texas Education Code, §61.003(3), or a private or independent institution of higher education as defined in Texas Education Code, §61.003(15) after earning at least 15 semester credit hours or semester credit hour equivalents (SCH) from a single public junior college district, subject to the following:

(A) The student is enrolled at a GAI or private or independent institution for the first time in the fiscal year for which the public junior college is eligible for a performance tier allocation, as established in this subchapter;

(B) No institution, including the institution that may be awarded a transfer fundable outcome, has achieved a structured co-enrollment fundable outcome or would otherwise achieve a structured co-enrollment fundable outcome in the same year on the basis of the student's participation in a structured co-enrollment program under subsection (f) of this section;

(C) The student earned a minimum of 15 SCHs from the public junior community college district seeking the transfer fundable outcome during the period including the fiscal year in which they enroll at the GAI and the four fiscal years prior; and

(D) The attainment of the 15 SCHs satisfies the following restrictions:

(i) The transfer fundable outcome shall exclude the 15 SCHs that previously counted toward attainment of a dual credit fundable outcome for the student under subsection (d) of this section.

(ii) The transfer fundable outcome may include any SCHs earned by the student not previously counted toward a dual credit fundable outcome under subsection (d) of this section.

(2) Only one institution may earn a transfer fundable outcome for any individual student, except as provided by subparagraph (C) of this paragraph. An institution may earn the transfer fundable outcome only once per student. The Coordinating Board shall award the transfer fundable outcome in accordance with this subsection.

(A) If a student has earned 15 SCH at more than one institution prior to transfer to any GAI, the Coordinating Board shall award the transfer fundable outcome to the last public junior college at which the student earned the 15 SCH eligible for funding under this section.

(B) If the student earned the 15 SCH at more than one institution during the same academic term, the Coordinating Board shall award the transfer fundable outcome to the public junior college:

(i) from which the student earned the greater number of the SCH that count toward the transfer fundable outcome during the academic term in which they earned the 15 SCH; or

(ii) if the student earned an equal number of SCH that count toward the transfer fundable outcome in the academic term in which the student earned the 15 SCH, to the institution from which the student earned a greater number of SCH that count toward the transfer fundable outcome in total.

(C) If a student has met the SCH requirements of subparagraph (B)(i) and (ii) of this paragraph at more than one public junior college, each public junior college may receive a transfer fundable outcome.

(f) Structured Co-Enrollment Fundable Outcome. An institution achieves a Structured Co-Enrollment Fundable Outcome when a student has earned a minimum number of eligible semester credit hours in a structured co-enrollment program that has been submitted and certified to the Coordinating Board as defined in §13.643(35) of this subchapter, and no institution, including the institution that may be awarded a structured co-enrollment fundable outcome, has been funded for transfer fundable outcome on the basis of the student's enrollment in a GAI under subsection (e) of this section.

(g) Opportunity High School Diploma Fundable Outcome. An institution achieves an Opportunity High School Diploma Fundable Outcome when a student has completed the program and attained the credential, as defined in §13.643(33) of this subchapter. A student must earn the Opportunity High School Diploma on or after September 1, 2024, to qualify as a Fundable Outcome.

(h) Fundable Outcome Parameters. The Commissioner of Higher Education retains sole discretion for determining compliance with the requirements of this subsection. An institution shall only be funded for credentials reported in compliance with this section.

(1) For a credential conferred in fiscal year 2026 to be eligible for funding, an institution must have conferred the credential in and reported the credential for fiscal year 2026, and the recipient must have earned the credential no earlier than June 1, 2025.

(A) An associate degree that the institution conferred in and reported for fiscal year 2026 shall also be eligible for funding if the student earned the last semester credit hour of the associate degree through the successful completion of coursework at an institution other than the institution conferring and reporting the credential no earlier than May 1, 2025.

(B) A credential earned prior to September 1, 2025, but reported for fiscal year 2026 and satisfying all other requirements of this paragraph must be conferred no later than December 31, 2025, to be eligible for funding.

(2) The coordinating board shall fund the following credentials, provided they meet all other criteria of fundable credentials of value:

(A) An Occupational Skills Award, an Institutional Credential Leading to Licensure or Certification, or Third-Party credential;

(B) Level I Certificate or Continuing Education Certificate;

(C) Level II Certificate;

(D) an associate degree;

(E) an advanced technical certificate;

(F) a baccalaureate degree; and

(G) Opportunity High School Diploma.

(3) An institution may not receive funding for more than one credential of each type listed in paragraph (2)(A) - (F) of this subsection, where each subparagraph corresponds to a type, conferred to an individual student in a single reporting year.

(4) Subject to the limitations specified in this subsection, if an institution reports having conferred more than one credential of any single type listed in paragraph (2)(A) - (F) of this subsection to an individual student in a single reporting year and conferred at least one such credential in a discipline designated as a high-demand field for that institution, as described in subchapter T of this chapter (relating to Community College Finance Program: High-Demand Fields), the coordinating board shall fund a credential in the high-demand field.

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 August 8, 2025.
TRD-202502814



CHAPTER 20. APPLICATIONS AND ADMISSION FOR INSTITUTIONS OF HIGHER EDUCATION

SUBCHAPTER B. FREE COLLEGE APPLICATION WEEK

19 TAC §§20.30 - 20.34

The Texas Higher Education Coordinating Board (Coordinating Board) adopts new rules Title 19, Part 1, Chapter 20, Subchapter B, §§20.30 - 20.34, Free College Application Week, without changes to the proposed text as published in the June 13, 2025, issue of the *Texas Register* (50 TexReg 3553). The rules will not be republished.

Specifically, this new section establishes the requirements for Texas public institutions of higher education to waive undergraduate admission application fees during Free College Application Week, as required by Texas Education Code, §61.0731.

The Coordinating Board has the authority to make rules to implement Free College Application week in October that will waive undergraduate admission application fees for students using ApplyTexas to apply to any public institution, as defined in Texas Education Code, §61.003, starting with the 2025 - 2026 school year under Texas Education Code, §61.0731.

The following comments were received regarding the adoption of the new rule.

Comments from Texas A & M University:

1. Thank you for the opportunity to provide written comments on the proposed new rules in Texas Administrative Code, Title 19, Part 1, Chapter 20, Subchapter B, §§20.30 - 20.34, concerning Free College Application Week as published in the June 13, 2025, issue of the *Texas Register*.

2. As Texas continues to grow both in population and workforce demand, it is imperative to grow interest in higher education and remove potential barriers to getting the best and brightest students into Texas public institutions. Texas A&M University (TAMU) already offers undergraduate admission application fee waivers to all students who have financial need, and the university is supportive of the proposed rule expanding this waiver to students using the common application form found in ApplyTexas.org during the second week of October.

3. TAMU can receive over 20,000 applications during current peak application weeks. The university currently uses the funds from application fees to hire staff to read and evaluate all applications through a holistic review as well as staff to process applications, transcripts and course credit. While the university hopes additional Texas students will take advantage of this opportunity, Texas A&M does want to highlight a potential delay in processing time as the university will not be able to hire additional staff to accommodate any increase in applications.

4. Additionally, while Texas A&M University is the largest public institution in Texas, the university recently made the decision to pause undergraduate growth (15,000 new students per year) at the main campus in College Station in an effort to bring the campus infrastructure in line with the current student population. With this waiver and the potential increase in applications, TAMU anticipates that this might result in more students receiving denials as the university keeps enrollment numbers steady. We are, however, excited about the students who will fill the limited seats and become part of the Aggie family and eventually the Texas economy.

5. Thank you again for the opportunity to provide feedback and we look forward to working with you on implementing these rules and expanding the interest and opportunity of Texas students in higher education.

Responses:

1. Thank you for your thoughtful and constructive comments on the proposed new rules in the Texas Administrative Code, Title 19, Part 1, Chapter 20, Subchapter B, §§20.30-20.34, concerning Free College Application Week.

2. We appreciate Texas A&M University's continued commitment to expanding access to higher education and support of the proposed rule to offer application fee waivers during the designated week in October through ApplyTexas. Your existing efforts to provide need-based fee waivers demonstrate a strong institutional commitment to remove financial barriers for students.

3. We understand and acknowledge the operational concerns you raised, including the potential increase in application volume and processing timelines. These rules provide guidance for public institutions of higher education as a result of the passage of SB2231 from the 89th Texas Legislative Session.

4. We are committed to ongoing collaboration with institutions across the state to ensure the successful implementation of Free College Application Week. We look forward to continued dialogue with Texas A&M University and other institutions to evaluate impact, address capacity and challenges, and support shared goals of improving college access and student success across Texas. Thank you again for your engagement and commitment to serving Texas students.

5. The Coordinating Board thanks Texas A&M University for this comment. There are no changes to the rule at this time.

The new section is adopted under Texas Education Code, Section 61.0731, which provides the Coordinating Board with the authority to implement rules for Free College Application week in October that waive application fees for undergraduate admission to apply to any institution of higher education as defined in Texas Education Code, Section 61.003, via ApplyTexas, each year starting in the 2025 - 2026 school year. Authority for the requirement that institutions link to MyTexasFuture.Org on their admissions websites is found in proposed Texas Education Code, Section 51.763.

The adopted new section affects rules in Texas Administrative Code, Title 19, Part 1, Chapter 20, Subchapter B.

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

Filed with the Office of the Secretary of State on August 8, 2025.
TRD-202502815



PART 2. TEXAS EDUCATION AGENCY

CHAPTER 67. STATE REVIEW AND APPROVAL OF INSTRUCTIONAL MATERIALS SUBCHAPTER DD. COMMISSIONER'S RULES CONCERNING LOCAL DISTRICT OPERATIONS

19 TAC §67.1501, §67.1502

The Texas Education Agency (TEA) adopts new §67.1501 and §67.1502, concerning local district operations related to instructional materials. The new rules are adopted without changes to the proposed text as published in the June 6, 2025 issue of the *Texas Register* (50 TexReg 3339) and will not be republished. The adopted new sections outline the process for school districts and open-enrollment charter schools to submit requests for reviews of local classroom instructional materials and establish eligibility for reviewers.

REASONED JUSTIFICATION: House Bill 1605, 88th Texas Legislature, Regular Session, 2023, significantly revised Texas Education Code (TEC), Chapter 31, Instructional Materials and Technology, including adding a provision for local reviews of classroom instructional materials.

TEC, §31.0252, Local Review of Classroom Instructional Materials, requires that TEA develop standards in consultation with stakeholders, including educators, by which a school district is authorized to conduct a review of instructional materials used by a classroom teacher in a foundation curriculum course under TEC, §28.002(a)(1), to determine the degree to which the material corresponds with the instructional materials adopted by the school district or campus and meets the level of rigor of the knowledge and skills adopted under TEC, §28.002, for the grade level in which it is being used.

Adopted new §67.1501, Review of Local Classroom Instructional Materials, clarifies the conditions under which TEA would conduct a review of local classroom instructional materials requested by a school district or open-enrollment charter school.

New subsection (a) specifies the rule's application to school districts and open-enrollment charter schools.

New subsection (b) establishes a request process and statewide submission window beginning September 1. Additionally, the subsection outlines how the review process is customized to evaluate the specific types of instructional materials chosen by the school district, specifies that the results will be shared in a written report, and establishes how grant funds will be prioritized.

New subsection (c) requires that reviews and rubric development for foundation curriculum courses be aligned with the instructional materials review and approval process rubric development schedule and review cycles.

New subsection (d) requires school districts and open-enrollment charter schools to establish data management processes and track certain information related to requests for review.

New subsection (e) requires school districts to publish review reports on their websites.

Adopted new §67.1502, Reviewer Eligibility, establishes that reviews are conducted by education service centers (ESCs) or a curriculum review service provider approved by TEA and that all reviewers must meet TEA eligibility criteria. The new section prohibits reviewers from having a financial interest in instructional materials adoption or accepting gifts or other items from certain individuals.

SUMMARY OF COMMENTS AND AGENCY RESPONSES: The public comment period on the proposal began June 6, 2025, and ended July 7, 2025. The following is a summary of public comments received and agency responses.

Comment: A commenter noted the proposed rule may increase workloads for educators and ESCs. Additionally, the commenter suggested exempting materials approved under the State Board of Education (SBOE) Instructional Materials Review and Approval process from review and requiring evidence for review of requests to ease the burden.

Response: The agency disagrees. TEC, §31.0252, establishes clear limitations on the frequency and duration of local classroom reviews conducted by school districts. Per TEC, §31.0252, a school district may not authorize the review of instructional materials used by a classroom teacher for a specific subject or grade level at a specific campus more than once per school year. Unless unavoidable, a teacher may not be required to spend over 30 minutes on a single review. The district must also minimize, to the extent possible, the time a teacher is required to spend complying with any review conducted under the statute. Approval from the school district is required before the local classroom review request can move forward. Additionally, a school district that adopts instructional materials from the SBOE approved list will receive a local classroom review to ensure alignment to district adopted materials only, as the grade-level rigor of the SBOE-approved materials has already been evaluated and validated. Local classroom reviews will be conducted by TEA-certified reviewers from ESCs or approved vendors, per TEC, §31.0252(d). TEA has established a statewide group of TEA-certified reviewers, ensuring full capacity to conduct local classroom reviews across Texas during the 2025-2026 school year.

STATUTORY AUTHORITY. The new sections are adopted under Texas Education Code (TEC), §26.0061, as added by House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023, which requires the board of trustees of each school district to establish a process by which a parent may request an instructional material review under TEC, §31.0252, for a subject area in the grade level in which the parent's student is enrolled; TEC, §31.003(b), as added by HB 1605, 88th Texas Legislature, Regular Session, 2023, which allows the commissioner of education to adopt rules consistent with TEC, Chapter 31, as necessary to implement a provision of the chapter that the commissioner or agency is responsible for; TEC, §31.0205, which states that an open-enrollment charter school is subject to TEC, Chapter 31, as if the charter school were a school district; and TEC, §31.0252, as added by HB 1605, 88th Texas Legislature, Regular Session, 2023, which requires the Texas Education Agency to develop a rubric, approved by the State Board of Education, to determine

if reviewed instructional material complies with the rigor requirements described by TEC, §31.0252(a)(2).

CROSS REFERENCE TO STATUTE. The new sections implement Texas Education Code (TEC), §26.0061, as added by House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023; §31.003(b), as added by HB 1605, 88th Texas Legislature, Regular Session, 2023; TEC, §31.0205; and TEC, §31.0252, as added by HB 1605, 88th Texas Legislature, Regular Session, 2023.

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 August 11, 2025.

TRD-202502836

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Effective date: August 31, 2025

Proposal publication date: June 6, 2025

For further information, please call: (512) 463-9526



CHAPTER 151. COMMISSIONER'S RULES CONCERNING PASSING STANDARDS FOR EDUCATOR CERTIFICATION EXAMINATIONS

19 TAC §151.1001

The Texas Education Agency (TEA) adopts an amendment to §151.1001, concerning passing standards for educator certification examinations. The amendment is adopted without changes to the proposed text as published in the April 25, 2025 issue of the *Texas Register* (50 TexReg 2573) and will not be republished. The adopted amendment specifies the satisfactory scores for the examinations for Deafblind EC-12 and Special Education Specialist EC-12.

REASONED JUSTIFICATION: Texas Education Code, §21.048(a), requires the commissioner of education to establish the satisfactory levels of performance required on educator certification examinations and requires a satisfactory level of performance on each core subject covered by an examination. The adopted passing standards were established by subject-matter expert stakeholder committee groups.

Section 151.1001 specifies the passing standards for all pedagogical and content certification examinations as approved by the commissioner. The adopted amendment to Figure: 19 TAC §151.1001(b)(12) introduces passing standards for the Deafblind EC-12 and Special Education Specialist EC-12 Texas Examinations of Educator Standards examinations.

The average passing standard is expressed as an average raw cut score of all active forms of a test or the minimum proficiency level. It is critical to note that the actual raw cut scores may vary slightly from form to form to balance the overall difficulty of the test yet maintain consistency in scoring.

SUMMARY OF COMMENTS AND AGENCY RESPONSES: The public comment period on the proposal began April 25, 2025, and ended May 27, 2025. No public comments were received.

STATUTORY AUTHORITY. The amendment is adopted under Texas Education Code, §21.048(a), which requires the commissioner of education to determine the level of performance considered to be satisfactory on educator certification examinations and further authorizes the commissioner to require a satisfactory level of performance on each core subject covered by an examination.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code, §21.048(a).

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 August 11, 2025.

TRD-202502834

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Effective date: August 31, 2025

Proposal publication date: April 25, 2025

For further information, please call: (512) 463-9526



TITLE 22. EXAMINING BOARDS

PART 5. STATE BOARD OF DENTAL EXAMINERS

CHAPTER 101. DENTAL LICENSURE

22 TAC §101.1

The State Board of Dental Examiners (Board) adopts this amendment to 22 TAC §101.1, pertaining to general qualifications for dental licensure. The amendment is adopted without changes to the proposed text as published in the June 20, 2025, issue of the *Texas Register* (50 TexReg 3615) and will not be republished. The adopted amendment requires applicants to submit a National Practitioner Data Bank self-query report upon initial licensure. Initial applicants currently submit this report to the Board as part of the licensing application process. This amendment is adopted to reflect the Board's current process.

No comments were received regarding adoption of this rule.

This rule is adopted under Texas Occupations Code §254.001(a), which gives the Board authority to adopt rules necessary to perform its duties and ensure compliance with state laws relating to the practice of dentistry to protect the public health and safety.

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 August 8, 2025.

TRD-202502818

Lauren Studdard

General Counsel

State Board of Dental Examiners

Effective date: August 28, 2025

Proposal publication date: June 20, 2025

For further information, please call: (737) 363-2333

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22 TAC §101.2

The State Board of Dental Examiners (Board) adopts this amendment to 22 TAC §101.2, pertaining to dental licensure by examination. The amendment is adopted without changes to the proposed text as published in the June 20, 2025, issue of the *Texas Register* (50 TexReg 3616) and will not be republished. The adopted amendment reflects the merger of Central Regional Dental Testing Service (CRDTS) with the States Resources for Testing and Assessments (SRTA). The adopted amendment also changes the remediation requirements by (1) allowing applicants to take a remediation course before or after passing an examination to give applicants flexibility on when to take the course, and (2) allowing Board staff to approve the remediation course.

The Texas Dental Association (TDA) submitted a written comment in support of adoption of the rule as proposed. TDA agrees that the amendment provides greater flexibility by allowing applicants to complete a remediation course either before or after passing the regional clinical examination. This added flexibility is further enhanced by allowing Board staff, rather than the Board itself, to approve an applicant's clinical remediation course, as long as it is offered through a CODA-accredited dental school. No changes to this rule were made as a result of the comment.

This rule is adopted under Texas Occupations Code §254.001(a), which gives the Board authority to adopt rules necessary to perform its duties and ensure compliance with state laws relating to the practice of dentistry to protect the public health and safety.

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 August 8, 2025.

TRD-202502819
Lauren Studdard
General Counsel
State Board of Dental Examiners
Effective date: August 28, 2025
Proposal publication date: June 20, 2025
For further information, please call: (737) 363-2333

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CHAPTER 103. DENTAL HYGIENE LICENSURE

22 TAC §103.1

The State Board of Dental Examiners (Board) adopts this amendment to 22 TAC §103.1, pertaining to general qualifications for hygiene licensure. The amendment is adopted without changes to the proposed text as published in the June 20, 2025, issue of the *Texas Register* (50 TexReg 3617) and will not be republished. The adopted amendment requires applicants to submit a National Practitioner Data Bank self-query report upon initial licensure. Initial applicants currently submit this report to the Board as part of the licensing application process. This amendment is adopted to reflect the Board's current process.

No comments were received regarding adoption of this rule.

This rule is adopted under Texas Occupations Code §254.001(a), which gives the Board authority to adopt rules necessary to perform its duties and ensure compliance with state laws relating to the practice of dentistry to protect the public health and safety.

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 August 8, 2025.

TRD-202502820
Lauren Studdard
General Counsel
State Board of Dental Examiners
Effective date: August 28, 2025
Proposal publication date: June 20, 2025
For further information, please call: (737) 363-2333

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22 TAC §103.2

The State Board of Dental Examiners (Board) adopts this amendment to 22 TAC §103.2, pertaining to dental hygiene licensure by examination. The amendment is adopted without changes to the proposed text as published in the June 20, 2025, issue of the *Texas Register* (50 TexReg 3618) and will not be republished. The adopted amendment reflects the merger of Central Regional Dental Testing Service (CRDTS) with the States Resources for Testing and Assessments (SRTA).

No comments were received regarding adoption of this rule.

This rule is adopted under Texas Occupations Code §254.001(a), which gives the Board authority to adopt rules necessary to perform its duties and ensure compliance with state laws relating to the practice of dentistry to protect the public health and safety.

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 August 8, 2025.

TRD-202502821
Lauren Studdard
General Counsel
State Board of Dental Examiners
Effective date: August 28, 2025
Proposal publication date: June 20, 2025
For further information, please call: (737) 363-2333

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CHAPTER 104. CONTINUING EDUCATION

22 TAC §104.1

The State Board of Dental Examiners (Board) adopts this amendment to 22 TAC §104.1, pertaining to continuing education requirements. The amendment is adopted without changes to the proposed text as published in the June 20, 2025, issue of the *Texas Register* (50 TexReg 3619) and will not be republished. The adopted amendment reflects the merger of Central Regional Dental Testing Service (CRDTS) with the States Resources for Testing and Assessments (SRTA).

No comments were received regarding adoption of this rule.

This rule is adopted under Texas Occupations Code §254.001(a), which gives the Board authority to adopt rules necessary to perform its duties and ensure compliance with state laws relating to the practice of dentistry to protect the public health and safety.

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 August 8, 2025.

TRD-202502822

Lauren Studdard

General Counsel

State Board of Dental Examiners

Effective date: August 28, 2025

Proposal publication date: June 20, 2025

For further information, please call: (737) 363-2333



22 TAC §104.2

The State Board of Dental Examiners (Board) adopts this amendment to 22 TAC §104.2, pertaining to continuing education providers. The amendment is adopted without changes to the proposed text as published in the June 20, 2025, issue of the *Texas Register* (50 TexReg 3621) and will not be republished. The adopted amendment reflects the merger of Central Regional Dental Testing Service (CRDTS) with the States Resources for Testing and Assessments (SRTA).

No comments were received regarding adoption of this rule.

This rule is adopted under Texas Occupations Code §254.001(a), which gives the Board authority to adopt rules necessary to perform its duties and ensure compliance with state laws relating to the practice of dentistry to protect the public health and safety.

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 August 8, 2025.

TRD-202502823

Lauren Studdard

General Counsel

State Board of Dental Examiners

Effective date: August 28, 2025

Proposal publication date: June 20, 2025

For further information, please call: (737) 363-2333



CHAPTER 114. EXTENSION OF DUTIES OF AUXILIARY PERSONNEL--DENTAL ASSISTANTS

22 TAC §114.6

The State Board of Dental Examiners (Board) adopts this amendment to 22 TAC §114.6, pertaining to general qualifications for registration or certification of dental assistants. The

amendment is adopted without changes to the proposed text as published in the June 20, 2025, issue of the *Texas Register* (50 TexReg 3622) and will not be republished. The adopted amendment requires applicants to submit a National Practitioner Data Bank self-query report upon initial registration. Initial applicants currently submit this report to the Board as part of the licensing application process. This amendment is adopted to reflect the Board's current process. The adopted amendment also specifies the name of 22 TAC §101.8.

No comments were received regarding adoption of this rule.

This rule is adopted under Texas Occupations Code §254.001(a), which gives the Board authority to adopt rules necessary to perform its duties and ensure compliance with state laws relating to the practice of dentistry to protect the public health and safety.

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 August 8, 2025.

TRD-202502824

Lauren Studdard

General Counsel

State Board of Dental Examiners

Effective date: August 28, 2025

Proposal publication date: June 20, 2025

For further information, please call: (737) 363-2333



CHAPTER 117. FACULTY AND STUDENTS IN ACCREDITED DENTAL SCHOOLS

22 TAC §117.2

The State Board of Dental Examiners (Board) adopts these amendments to 22 TAC §117.2, pertaining to dental faculty licensure. The amendment is adopted without changes to the proposed text as published in the June 20, 2025, issue of the *Texas Register* (50 TexReg 3623) and will not be republished. The adopted amendments: (1) require that faculty license holders submit an employment affidavit form upon renewal to show that they are still currently employed by their employer school, and (2) correct a grammatical error.

No comments were received regarding adoption of this rule.

This rule is adopted under Texas Occupations Code §254.001(a), which gives the Board authority to adopt rules necessary to perform its duties and ensure compliance with state laws relating to the practice of dentistry to protect the public health and safety.

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 August 8, 2025.

TRD-202502825

Lauren Studdard
General Counsel
State Board of Dental Examiners
Effective date: August 28, 2025
Proposal publication date: June 20, 2025
For further information, please call: (737) 363-2333



22 TAC §117.3

The State Board of Dental Examiners (Board) adopts these amendments to 22 TAC §117.3, pertaining to dental hygiene faculty licensure. The amendment is adopted without changes to the proposed text as published in the June 20, 2025, issue of the *Texas Register* (50 TexReg 3624) and will not be republished. The adopted amendments: (1) conform the rule to the statutory language in Texas Occupations Code §267.003, (2) require that faculty license holders submit an employment affidavit form upon renewal to show that they are still currently employed by their employer school, and (3) correct grammatical and punctuation errors.

No comments were received regarding adoption of this rule.

This rule is adopted under Texas Occupations Code §254.001(a), which gives the Board authority to adopt rules necessary to perform its duties and ensure compliance with state laws relating to the practice of dentistry to protect the public health and safety.

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 August 8, 2025.

TRD-202502826
Lauren Studdard
General Counsel
State Board of Dental Examiners
Effective date: August 28, 2025
Proposal publication date: June 20, 2025
For further information, please call: (737) 363-2333



TITLE 34. PUBLIC FINANCE

PART 1. COMPTROLLER OF PUBLIC ACCOUNTS

CHAPTER 3. TAX ADMINISTRATION

SUBCHAPTER G. CIGARETTE TAX

34 TAC §3.102

The Comptroller of Public Accounts adopts amendment to §3.102, concerning applications, definitions, permits, and reports, without changes to the proposed text as published in the June 27, 2025, issue of the *Texas Register* (50 TexReg 3721). The rule will not be republished.

The comptroller amends this section to address age requirements for obtaining a cigarette permit.

The comptroller amends subsection (f), to add that the comptroller will not issue a permit to an applicant that is under the age of 21.

The comptroller did not receive any comments regarding adoption of the amendment.

The amendment is adopted under Tax Code, §111.002 (Comptroller's Rules; Compliance; Forfeiture) and §111.0022 (Application to Other Laws Administered by Comptroller) which provide the comptroller with authority to prescribe, adopt, and enforce rules relating to the administration and enforcement provisions of Tax Code, Title 2, and taxes, fees, or other charges which the comptroller administers under other law.

The amendment implements Tax Code, Chapter 154 (Cigarette Tax) and Health and Safety Code, Chapter 161 (Public Health Provisions).

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 August 4, 2025.

TRD-202502752
Jenny Burleson
Director, Tax Policy
Comptroller of Public Accounts
Effective date: August 24, 2025
Proposal publication date: June 27, 2025
For further information, please call: (512) 475-2220



SUBCHAPTER CC. SEXUALLY ORIENTED BUSINESS FEE

34 TAC §3.722

The Comptroller of Public Accounts adopts amendments to §3.722, concerning the sexually oriented business fee, without changes to the proposed text as published in the July 4, 2025, issue of the *Texas Register* (50 TexReg 3856). The rule will not be republished.

The comptroller amends this section to implement the decision in *Tex. Entm't Ass'n, Inc. v. Hegar*, 10 F.4th 495 (5th Cir. 2021) and to implement House Bill 3345, 88th Legislature, 2023.

The comptroller amends the definition of clothing in subsection (a)(1), to remove the provision that was deemed unconstitutional in the *Texas Entertainment Association, Inc.* case.

The comptroller amends subsection (d)(1) and (2), and increases the fee imposed on a sexually oriented business to \$10 for each entry by each customer admitted to the business, as provided in House Bill 3345.

The comptroller also replaces the term "return" with "report" for consistent usage throughout the section.

The comptroller did not receive any comments regarding adoption of the amendment.

The comptroller adopts the amendments under Tax Code, §111.002 (Comptroller's Rules; Compliance; Forfeiture) and §111.0022 (Application to Other Laws Administered by Comptroller) which provide the comptroller with authority to prescribe, adopt, and enforce rules relating to the administration and

enforcement provisions of Tax Code, Title 2, and taxes, fees, or other charges which the comptroller administers under other law.

The amendments to this section implement Business and Commerce Code, §102.051 (Definitions).

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 August 8, 2025.

TRD-202502827

Jenny Burleson

Director, Tax Policy Division

Comptroller of Public Accounts

Effective date: August 28, 2025

Proposal publication date: July 4, 2025

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



SUBCHAPTER JJ. CIGARETTE, E-CIGARETTE, AND TOBACCO PRODUCTS REGULATION

34 TAC §3.1207

The Comptroller of Public Accounts adopts amendment to §3.1207, concerning e-cigarette retailer permits, without changes to the proposed text as published in the June 27, 2025, issue of the *Texas Register* (50 TexReg 3727). The rule will not be republished.

The comptroller amends this section to address age requirements for obtaining an e-cigarette permit.

The comptroller amends subsection (f), to add that the comptroller will not issue a permit to an applicant that is under the age of 21.

The comptroller did not receive any comments regarding adoption of the amendment.

The amendment is adopted under Tax Code, §111.002 (Comptroller's Rules; Compliance; Forfeiture) and §111.0022 (Application to Other Laws Administered by Comptroller) which provide the comptroller with authority to prescribe, adopt, and enforce rules relating to the administration and enforcement provisions of Tax Code, Title 2, and taxes, fees, or other charges which the comptroller administers under other law.

The amendment implements Health and Safety Code, Chapter 147 (E-Cigarette Retailer Permit) and Health and Safety Code, Chapter 161 (Public Health Provisions).

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 August 4, 2025.

TRD-202502754

Jenny Burleson

Director, Tax Policy

Comptroller of Public Accounts

Effective date: August 24, 2025

Proposal publication date: June 27, 2025

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



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 Health and Human Services Commission

Title 26, Part 1

The Texas Health and Human Services Commission (HHSC) proposes to review and consider for readoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 26, Part 1, of the Texas Administrative Code (TAC):

Chapter 550, Licensing Standards For Prescribed Pediatric Extended Care Centers

This review is conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies, every four years, to assess whether the initial reasons for adopting a rule continue to exist. After reviewing its rules, the agency will readopt, readopt with amendments, or repeal its rules.

Comments on the review of Chapter 550, Licensing Standards For Prescribed Pediatric Extended Care Centers, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to hhsrulescoordinationoffice@hhs.texas.gov. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 550" in the subject line. The deadline for comments is on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register*.

The text of the rule sections being reviewed will not be published but may be found in Title 26, Part 1, of the Texas Administrative Code or on the Secretary of State's website at State Rules and Open Meetings (www.sos.texas.gov).

TRD-202502842

Jessica Miller

Director, Rules Coordination Office

Texas Health and Human Services Commission

Filed: August 12, 2025



The Texas Health and Human Services Commission (HHSC) proposes to review and consider for readoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 26, Part 1, of the Texas Administrative Code (TAC):

Chapter 558, Licensing Standards For Home And Community Support Services Agencies

This review is conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies, every four years, to assess whether the initial reasons for adopting a rule con-

tinue to exist. After reviewing its rules, the agency will readopt, readopt with amendments, or repeal its rules.

Comments on the review of Chapter 558, Licensing Standards For Home And Community Support Services Agencies, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to hhsrulescoordinationoffice@hhs.texas.gov. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 558" in the subject line. The deadline for comments is on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register*.

The text of the rule sections being reviewed will not be published but may be found in Title 26, Part 1, of the Texas Administrative Code or on the Secretary of State's website at State Rules and Open Meetings (www.sos.texas.gov).

TRD-202502844

Jessica Miller

Director, Rules Coordination Office

Texas Health and Human Services Commission

Filed: August 12, 2025



The Texas Health and Human Services Commission (HHSC) proposes to review and consider for readoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 26, Part 1, of the Texas Administrative Code (TAC):

Chapter 563, Minimum Standards for Narcotic Treatment Programs

This review is conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies, every four years, to assess whether the initial reasons for adopting a rule continue to exist. After reviewing its rules, the agency will readopt, readopt with amendments, or repeal its rules.

Comments on the review of Chapter 563, Minimum Standards for Narcotic Treatment Programs, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to hhsrulescoordinationoffice@hhs.texas.gov. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 563" in the subject line. The deadline for comments is on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register*.

The text of the rule sections being reviewed will not be published but may be found in Title 26, Part 1, of the Texas Administrative Code or on the Secretary of State's website at State Rules and Open Meetings (www.sos.texas.gov).

Adopted Rule Reviews

Texas Education Agency

Title 19, Part 2

The Texas Education Agency (TEA) adopts the review 19 TAC Chapter 101, Assessment, Subchapter AA, Commissioner's Rules Concerning the Participation of English Language Learners in State Assessments; Subchapter CC, Commissioner's Rules Concerning Implementation of the Academic Content Areas Testing Program; Subchapter DD, Commissioner's Rules Concerning Substitute Assessments for Graduation; Subchapter EE, Commissioner's Rules Concerning the Statewide Testing Calendar and UIL Participation; and Subchapter FF, Commissioner's Rules Concerning Diagnostic Assessment, pursuant to Texas Government Code, §2001.039. TEA proposed the review of 19 TAC Chapter 101, Subchapters AA and CC-FF, in the February 28, 2025 issue of the *Texas Register* (50 TexReg 1704).

Relating to the review of 19 TAC Chapter 101, Subchapters AA; CC-EE; and FF, §101.6003, Local Assessments, TEA finds that the reasons for adopting these rules continue to exist and readopts the rules.

TEA finds that the reasons for adopting Subchapter FF, §101.6001, Texas Middle School Diagnostic Reading Assessment, do not continue to exist. House Bill 2, 89th Texas Legislature, Regular Session, 2025, removed Texas Education Code, §28.006(c-1), which required the evaluation in §101.6001.

TEA received no comments related to the review of Subchapters AA and CC-FF.

At a later date, TEA plans to repeal §101.6001.

This concludes the review of Chapter 101.

TRD-202502832
Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Filed: August 11, 2025

State Board of Dental Examiners

Title 22, Part 5

The Texas State Board of Dental Examiners (Board) adopts the review of the chapters below in Title 22, Part 5, of the Texas Administrative Code (TAC):

Chapter 110, Sedation and Anesthesia; and

Chapter 113, Requirements for Dental Offices.

Notice of the review of these chapters was published in the May 16, 2025 issue of the *Texas Register* (50 TexReg 2985).

As indicated below, the Board received three written comments in response to the rule review notice of Chapter 110:

(1) The Texas Society of Anesthesiologists (TSA) recommend changing Board rule 110.6(c)(4)(B)(ii), which provides that breath sounds of a non-intubated patient must be continually monitored and evaluated by auscultation and/or end-tidal CO₂. TSA states that the Board rule is not consistent with current ADA standards that require end-tidal CO₂ monitoring for deep sedation or general anesthesia. They note that ADA standards (from 2016) allow the practitioner to not use this monitor when "precluded or invalidated by the nature of the patient, procedure, or equipment." TSA is concerned that this potential exception may lead to patient injury. TSA recommend that for monitoring for general anesthesia or deep sedation (with or without endotracheal tube), the rule should require end-tidal CO₂ monitoring. TSA states this recommendation is consistent with the Texas Medical Board rules and the American Society of Anesthesiologists' standards of monitoring. For patient safety, the standard for monitoring should not differ if the deep sedation or general anesthesia is done in a plastic surgeon's office or a dentist's office.

Board Response: Board rule 110.15(c) (Prevention of and Response to Sedation/Anesthesia Emergencies) provides that a permit holder who is administering sedation/anesthesia for which a Level 4 permit is required, must use capnography during the administration of the sedation/anesthesia. The Board notes that rule 110.6(c)(4)(B)(ii) is not consistent with rule 110.15(c) and plans to further review Chapter 110 and propose changes to correct inconsistencies.

(2) The Texas Dental Association (TDA) does not have any specific recommended changes to Chapter 110 of the Board rules. However, TDA requests the opportunity to collaborate with the Board in its consideration of any comments submitted by other stakeholders that the Board elects to pursue. Additionally, TDA seeks to engage with the Board in the development of any minor revisions intended to enhance the structural clarity of Chapter 110 and to resolve any internal inconsistencies that could create confusion for dentists. Furthermore, TDA requests that the Board not undertake any substantive revisions of Chapter 110 during this rule review process. Instead, TDA urges the Board to conduct a separate comprehensive review that incorporates the 2016 American Dental Association's Guidelines for the Use of Sedation and General Anesthesia by Dentists.

Board Response: The Board agrees that Chapter 110 needs further review and plans to propose changes to include updates and correct inconsistencies.

(3) The Texas Association of Nurse Anesthetists (TxANA) recommend changing Board rules 110.3(b)(4), 110.4(b)(4), 110.5(b)(4), and 110.6(b)(4) which pertain to supervising CRNAs. Specifically, to replace "supervise" with "delegate." TxANA attest that the proposed change would bring the Board rules into harmony with existing state law and provide clarity for dentists and CRNAs regarding the nature of their professional relationships. TxANA provides that attorney general opinions have been issued to clarify supervision requirements, specifically with regards to physician delegation, all largely restating that state law "does not require that a physician directly supervise the CRNA's selection and administration of the anesthesia." Tex. Att'y Gen. Op. No. JC-0117 (1999). TxANA provides that the Texas Medical Board once attempted to impose a supervision requirement through rule, yet that effort ultimately failed. TxANA provides that supervision requirements are important because liability concerns arise from the level of supervision required when delegating to a CRNA. TxANA attests that if a provider is merely delegating to a CRNA, and that CRNA is solely responsible for the anesthesia care, the provider's legal exposure is minimal. However, when a provider is obligated to "supervise" the CRNA, there is concern that they may risk liability claims for alleged inadequate supervision, potentially leading to vicarious liability for the CRNA's actions.

Board Response: The Board is not proposing any changes at this time regarding this issue. The Board notes that Section 258.003 of the Dental Practice Act provides that a delegating dentist is responsible for a dental act performed by the person to whom the dentist delegates the act.

The Board has reviewed Chapters 110 and 113 in accordance with Texas Government Code §2001.039, which requires state agencies to assess, every four years, whether the original reasons for adopting a rule continue to exist. The Board determined that the initial reasons for adopting rules in the chapters continue to exist and readopts Chapters 110 and 113.

This concludes the Board's review of 22 TAC Chapters 110 and 113 as required by the Texas Government Code §2001.039.

TRD-202502865

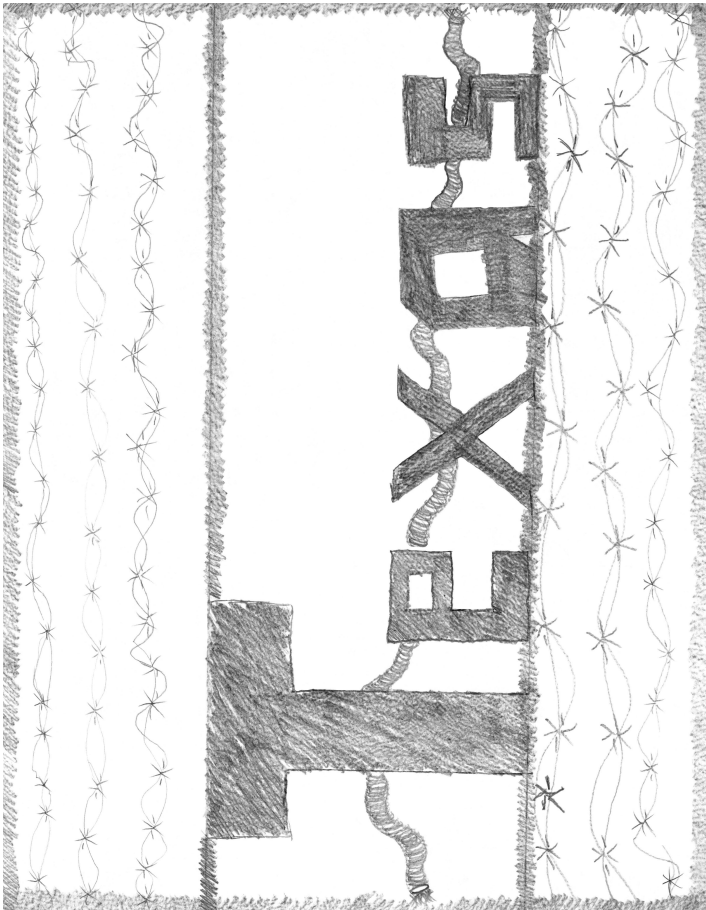
Lauren Studdard

General Counsel

State Board of Dental Examiners

Filed: August 13, 2025

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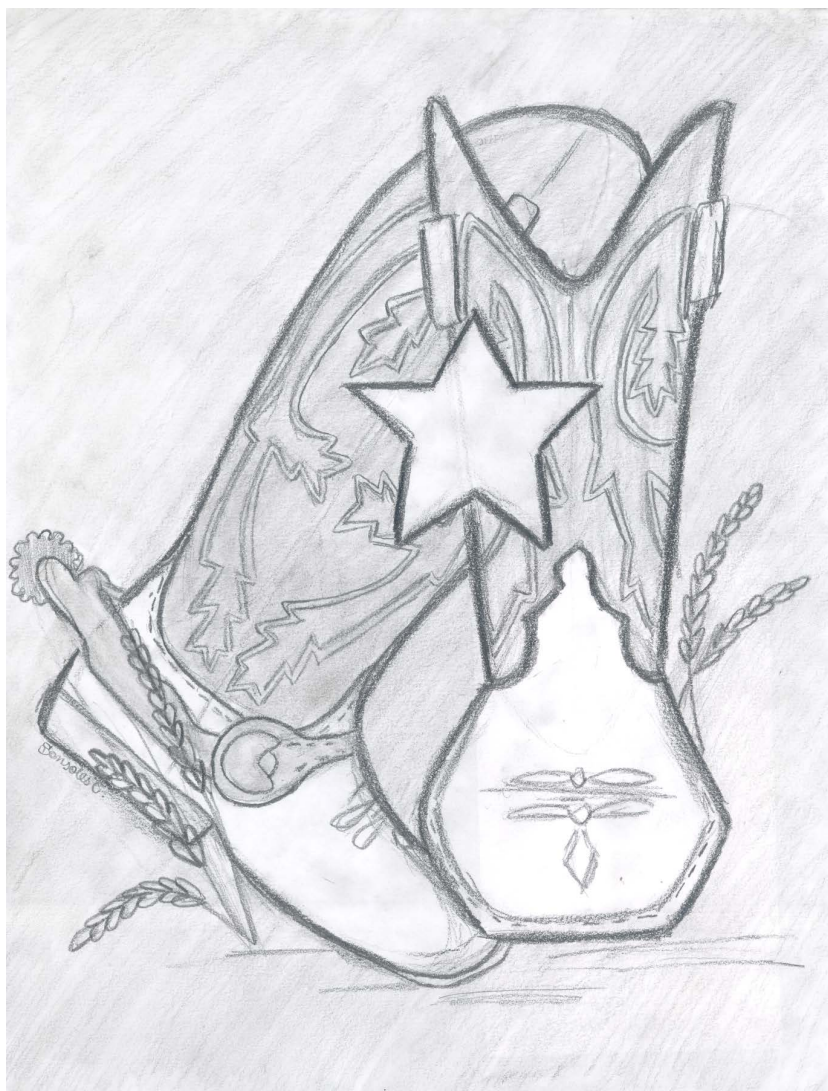
TABLES & GRAPHICS

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: 19 TAC §13.646(b)(2)

Classification of Instructional Programs Code	Field Title
13	Education
25	Library Science
19.0706	Child Development
19.0708	Childcare and Support Services Management
19.0709	Childcare Provider/Assistant
51	Health Professions and related programs
12.03	Funeral Service and Mortuary Services
19.0707	Family and Community Services



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.

Coastal Bend Council of Governments

Coastal Bend Council of Governments (CBCOG) Invitation for Bid Proposal - Regional Law Enforcement Training Program

INVITATION FOR BID PROPOSAL

Date of Announcement: August 6, 2025

The Coastal Bend Council of Governments (CBCOG) is inviting bids from Texas Commission on Law Enforcement (TCOLE) accredited training academies and approved training providers within the CBCOG region. The selected entities will be contracted to conduct CBCOG's next regional law enforcement training academy program.

About the Program

For over 40 years, CBCOG has partnered with accredited academies to provide high-quality, cost-effective training to law enforcement agencies across its eleven-county, thirty-three-city region. This includes vital support for independent school districts and institutions of higher education.

This program is funded by a state grant from the Office of the Governor, Public Safety Office, and operates in full compliance with **TCOLE rules and the Texas Administrative Code (37 TAC Part 7)**. The primary goal is to equip law enforcement agencies in the CBCOG region with superior education, training, and professionalism to effectively protect their communities.

Bid Opportunities and Details

CBCOG anticipates a two-year continuation grant, with up to **\$165,380** allocated for contracting with eligible training providers. The contract will be a **cost reimbursement** type, with a proposed grant period from **September 1, 2025, to August 31, 2027**.

- **Accredited academies** are invited to bid on delivering the Basic Peace Officer Certification (BPOC) course and continued education courses. Academies currently conducting a BPOC course may be eligible for retroactive reimbursement.

- **Individual TCOLE training providers** are invited to bid on offering continued education courses.

Perimeters

- All interested parties must be in compliance with the **Texas Administrative Code (37 TAC Part 7)** and all rules established by TCOLE. Training courses should not duplicate TCOLE-approved online or distance learning courses unless they are expanded to include additional topics.

- The maximum rate for courses from a single vendor will not exceed **\$81.25 per hour**, or **\$650.00 per day**. The total contract cost should not exceed the anticipated grant amount of \$165,380. Travel expenses directly related to providing training throughout the 11-county CBCOG region may be reimbursed based on Texas Office of the Comptroller guidelines.

Proposal Packet Instructions

- **Obtaining Packet:** Bid packets are obtained from the Coastal Bend Council of Governments website: Home | Coastal Bend Council of Governments

- **Submission Deadline:** Proposals must be submitted by **5:00 p.m. on August 26, 2025**. Late submissions will not be considered.

- **Submission Method:** Packets must be submitted in person or via general/certified mail in a sealed envelope clearly marked "**SEALED PROPOSAL- DO NOT OPEN**," **ATTN: Luci Rios**. Email submissions will not be accepted.

- **Mailing/Delivery Address:**

-- Coastal Bend Council of Governments Criminal Justice Training Program

-- Attn: Luci Rios

-- 2910 Leopard Street

-- Corpus Christi, Texas 78408

- **Public Opening:** All proposals received by the deadline will be publicly opened and read on **August 29, 2025, at 1:30 p.m.**, at the Coastal Bend Council of Governments, 2910 Leopard Street, Corpus Christi, Texas 78408.

- **Contract Award:** Contracts will be awarded based on the best value to the responsible bidder(s) whose proposal is deemed most advantageous to the program.

- **Additional Information:** Further information will be provided to potential contractors contingent upon CBCOG receiving the anticipated grant funding.

For questions regarding this invitation, please contact Luci Rios at **lucia@coastalbendcog.org** or **(361) 232-5334**.

TRD-202502800

Emily Martinez, MPA

Executive Director

Coastal Bend Council of Governments

Filed: August 7, 2025

Office of Consumer Credit Commissioner

Notice of Rate Ceilings

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

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 08/18/25 - 08/24/25 is 18.00% for consumer¹ credit.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 08/18/25 - 08/24/25 is 18.00% for commercial² credit.

¹ Credit for personal, family, or household use.

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

TRD-202502863

Texas Commission on Environmental Quality

Agreed Orders

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075, requires that before the commission may approve the AOs, the commission shall allow the public an opportunity to submit written comments on the proposed AOs. TWC, §7.075, requires that notice of the proposed orders and the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **September 23, 2025**. TWC, §7.075, also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A copy of each proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building C, 1st Floor, Austin, Texas 78753, (512) 239-2545 and at the applicable regional office listed as follows. Written comments about an AO should be sent to the enforcement coordinator designated for each AO at the commission's central office at P.O. Box 13087, Austin, Texas 78711-3087 and must be received by 5:00 p.m. on **September 23, 2025**. Written comments may also be sent by facsimile machine to the enforcement coordinator at (512) 239-2550. The commission's enforcement coordinators are available to discuss the AOs and/or the comment procedure at the listed phone numbers; however, TWC, §7.075, provides that comments on the AOs shall be submitted to the commission in writing.

(1) COMPANY: 191 GREENSPPOINT ENTERPRISE, INCORPORATED dba Handy Spot 3; DOCKET NUMBER: 2024-0103-PST-E; IDENTIFIER: RN102482957; LOCATION: Houston, Harris County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.50(b)(2) and TWC, §26.3475(a), by failing to provide release detection for the pressurized piping associated with the underground storage tank system; PENALTY: \$2,556; ENFORCEMENT COORDINATOR: Eunice Adegele, (512) 239-5082; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(2) COMPANY: 8 Mile Park, L.P.; DOCKET NUMBER: 2025-0228-PWS-E; IDENTIFIER: RN101222925; LOCATION: West Columbia, Brazoria County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.39(o)(3) and §290.45(h)(1), by failing to adopt and submit to the Executive Director a complete Emergency Preparedness Plan that demonstrates the facility's ability to provide emergency operations; PENALTY: \$50; ENFORCEMENT COORDINATOR: Hilda Iyasele, (512) 239-5280; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(3) COMPANY: AIR BENGAL CORP dba Sunnys Mart 2; DOCKET NUMBER: 2024-0007-PST-E; IDENTIFIER: RN101543015; LOCA-

TION: Garland, Dallas County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.8(c)(4)(A)(vii) and (5)(B)(ii), by failing to renew a previously issued underground storage tank (UST) delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date; 30 TAC §334.8(c)(5)(A)(i) and TWC, §26.3467(a), by failing to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the regulated USTs; 30 TAC §334.49(a)(1) and TWC, §26.3475(d), by failing to provide corrosion protection for the UST system; and 30 TAC §334.50(b)(1)(A) and TWC, §26.3475(c)(1), by failing to monitor the USTs for releases in a manner which will detect a release at a frequency of at least once every 30 days; PENALTY: \$14,837; ENFORCEMENT COORDINATOR: Adriana Fuentes, (956) 430-6057; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, (956) 425-6010.

(4) COMPANY: AMIGO FLATONIA INCORPORATED dba Flatonia Travel Plaza; DOCKET NUMBER: 2024-1182-PST-E; IDENTIFIER: RN109170209; LOCATION: Flatonia, Fayette County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.72, by failing to report a suspected release to the TCEQ within 24 hours of discovery; and 30 TAC §334.74, by failing to investigate and confirm all suspected releases of regulated substances requiring reporting under 30 TAC §334.72 within 30 days; PENALTY: \$14,401; ENFORCEMENT COORDINATOR: Amy Lane, (512) 239-2614; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(5) COMPANY: Aqua Texas, Incorporated; DOCKET NUMBER: 2025-0271-PWS-E; IDENTIFIER: RN102671880; LOCATION: Bishop, Nueces County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.39(o)(3) and §290.45(h)(1), by failing to adopt and submit to the Executive Director a complete Emergency Preparedness Plan that demonstrates the facility's ability to provide emergency operations; PENALTY: \$62; ENFORCEMENT COORDINATOR: Hilda Iyasele, (512) 239-5280; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(6) COMPANY: Aqua Texas, Incorporated; DOCKET NUMBER: 2025-0386-PWS-E; IDENTIFIER: RN102681814; LOCATION: Rhome, Wise County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.41(c)(3)(J), by failing to provide the facility's well with a concrete sealing block that extends a minimum of three feet from the well casing in all directions, with a minimum thickness of six inches and sloped to drain away from the wellhead at not less than 0.25 inch per foot; 30 TAC §290.43(d)(3), by failing to provide a device to readily determine the air-water-volume for the pressure tank; and 30 TAC §290.45(b)(1)(C)(i) and Texas Health and Safety Code, §341.0315(c), by failing to provide a well capacity of 0.6 gallons per minute per connection; PENALTY: \$2,257; ENFORCEMENT COORDINATOR: Mason DeMasi, (210) 657-8425; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 492-3096.

(7) COMPANY: Aqua Texas, Incorporated; DOCKET NUMBER: 2025-0426-PWS-E; IDENTIFIER: RN102685641; LOCATION: Fort Worth, Tarrant County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.45(b)(1)(C)(i) and Texas Health and Safety Code, §341.0315(c), by failing to provide a minimum well production capacity of 0.6 gallons per minute per connection; PENALTY: \$787; ENFORCEMENT COORDINATOR: Hilda Iyasele, (512) 239-5280; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(8) COMPANY: Aqua Texas, Incorporated; DOCKET NUMBER: 2025-0612-PWS-E; IDENTIFIER: RN101651081; LOCATION: Streetman, Freestone County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.45(b)(1)(D)(i) and Texas Health and Safety Code, §341.0315(c), by failing to provide two or more wells having a total capacity of 0.6 gallons per minute per connection; PENALTY: \$787; ENFORCEMENT COORDINATOR: Ronica Rodriguez Scott, (512) 239-2510; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(9) COMPANY: BLESSINGS ENTERPRISES, INCORPORATED dba Kountry Food Store 2; DOCKET NUMBER: 2024-1829-PST-E; IDENTIFIER: RN102429529; LOCATION: Mansfield, Tarrant County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.50(b)(1)(A) and TWC, §26.3475(c)(1), by failing to monitor the underground storage tanks in a manner which will detect a release at a frequency of at least once every 30 days; PENALTY: \$3,375; ENFORCEMENT COORDINATOR: Rachel Murray, (903) 535-5149; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(10) COMPANY: Brian E. Bayer; DOCKET NUMBER: 2025-0056-WOC-E; IDENTIFIER: RN110310117; LOCATION: Cedar Park, Williamson County; TYPE OF FACILITY: landscape irrigation business; RULES VIOLATED: 30 TAC §30.5(b) and TWC, §37.003, by failing to refrain from advertising or representing to the public that it can perform services for which a license is required unless it holds a current license, or unless it employs an individual who holds a current license; PENALTY: \$450; ENFORCEMENT COORDINATOR: Tessa Bond, (512) 239-1269; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(11) COMPANY: CANYON RIDGE INVESTMENT COMPANY; DOCKET NUMBER: 2022-1675-MWD-E; IDENTIFIER: RN102824687; LOCATION: Amarillo, Randall County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: 30 TAC §21.4 and TWC, §5.702, by failing to pay associated late fees for the TCEQ Financial Administration Account Number 23002648; 30 TAC §30.350(d) and §305.125(1), TWC, §26.0301(a), and TCEQ Permit Number WQ0011198001, Special Provisions Number 2, by failing to employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid Class D license or higher; 30 TAC §217.33(a) and §305.125(1) and TCEQ Permit Number WQ0011198001, Monitoring Requirements Number 5, by failing to have automatic flow measuring devices accurately calibrated by a trained person at plant start-up and thereafter not less than annually; 30 TAC §305.125(1) and TCEQ Permit Number WQ0011198001, by failing to restrict public access to the non-public irrigation area; 30 TAC §305.125(1) and TCEQ Permit Number WQ0011198001, Effluent Limitations and Monitoring Requirements Number B, by failing to measure flow according to permit requirements; and 30 TAC §305.125(1), TWC, §26.121(a)(1), TCEQ Permit Number WQ0011198001, Effluent Limitations and Monitoring Requirements Number A, by failing to comply with permitted effluent limitations; PENALTY: \$15,612; ENFORCEMENT COORDINATOR: Monica Larina, (361) 881-6965; REGIONAL OFFICE: 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas 78401, (361) 881-6900.

(12) COMPANY: Chevron U.S.A. Incorporated; DOCKET NUMBER: 2024-0345-AIR-E; IDENTIFIER: RN111037628; LOCATION: Pecos, Reeves County; TYPE OF FACILITY: oil and gas handling and production facility; RULES VIOLATED: 30 TAC §101.201(a)(1)(B) and Texas Health and Safety Code (THSC), §382.085(b), by failing to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event; and 30

TAC §106.6(b), Permit by Rule Registration Number 161246, and THSC, §382.085(b), by failing to prevent unauthorized emissions; PENALTY: \$6,438; ENFORCEMENT COORDINATOR: Christina Ferrara, (512) 239-5081; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(13) COMPANY: City of Devers; DOCKET NUMBER: 2025-0251-PWS-E; IDENTIFIER: RN101389732; LOCATION: Devers, Liberty County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.39(j)(1)(A) and Texas Health and Safety Code, §341.0351, by failing to notify the Executive Director and receive approval prior to making a significant change or addition where the change in the existing systems results in an increase or decrease in production, treatment, storage, or pressure maintenance; and 30 TAC §290.42(f)(1), by failing to provide chemical storage facilities that are designed to ensure a reliable supply of chemicals to the feeders, minimize the possibility and impact of accidental spills, and facilitate good housekeeping; PENALTY: \$2,250; ENFORCEMENT COORDINATOR: Wyatt Throm, (512) 239-1120; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(14) COMPANY: City of Driscoll; DOCKET NUMBER: 2024-1650-MLM-E; IDENTIFIER: RN101175669; LOCATION: Driscoll, Nueces County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §288.20(a) and §288.30(5)(B) and TWC, §11.1272(c), by failing to adopt a drought contingency plan which includes all elements for municipal use by a retail public water supplier; 30 TAC §290.42(l), by failing to compile and maintain a thorough and up-to-date plant operations manual of sufficient detail to provide the operator with routine maintenance and repair procedures, with protocols to be utilized in the event of a natural or man-made catastrophe, as well as provide telephone numbers of water system personnel, system officials, and local/state/federal agencies to be contacted in the event of an emergency; 30 TAC §290.46(f)(2) and (3)(A)(iii), and (D)(ii), by failing to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request; 30 TAC §290.46(i), by failing to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted; 30 TAC §290.46(n)(2), by failing to make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies; 30 TAC §290.109(d)(1)(A), by failing to collect routine distribution coliform samples at a customer's premise, dedicated sampling station, or other designated compliance sampling location at active service connections which are representative of water quality throughout the distribution system; 30 TAC §290.110(c)(5), by failing to conduct chloramine effectiveness sampling to ensure that monochloramine is the prevailing chloramine species and that nitrification is controlled; and 30 TAC §290.121(a) and (b), by failing to develop and maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the facility will use to comply with the monitoring requirements; PENALTY: \$2,625; ENFORCEMENT COORDINATOR: Tessa Bond, (512) 239-1269; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(15) COMPANY: City of Jourdanton; DOCKET NUMBER: 2025-0292-PWS-E; IDENTIFIER: RN101395648; LOCATION: Jourdanton, Atascosa County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.39(o)(3) and §290.45(h)(1), by failing to adopt and submit to the Executive Director a complete Emergency Preparedness Plan that demonstrates the facility's ability to provide emergency operations; PENALTY: \$357; ENFORCEMENT

COORDINATOR: Anjali Talpallikar, (512) 239-2507; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(16) COMPANY: City of Longview; DOCKET NUMBER: 2025-0180-MWD-E; IDENTIFIER: RN102845385; LOCATION: Longview, Gregg County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: 30 TAC §305.125(1) and TWC, §26.121(a)(1) and Texas Pollutant Discharge Elimination System Permit Number WQ0010589002, Interim Effluent Limitations and Monitoring Requirements Number 1, by failing to comply with permitted effluent limitations; PENALTY: \$19,500; ENFORCEMENT COORDINATOR: Samantha Smith, (512) 239-2099; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(17) COMPANY: City of Murchison; DOCKET NUMBER: 2025-0264-PWS-E; IDENTIFIER: RN101267631; LOCATION: Murchison, Henderson County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.39(o)(3) and §290.45(h)(1), by failing to adopt and submit to the Executive Director a complete Emergency Preparedness Plan that demonstrates the facility's ability to provide emergency operations; PENALTY: \$54; ENFORCEMENT COORDINATOR: Savannah Jackson, (512) 239-4306; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(18) COMPANY: Covestro LLC; DOCKET NUMBER: 2024-0219-AIR-E; IDENTIFIER: RN100209931; LOCATION: Baytown, Chambers County; TYPE OF FACILITY: chemical manufacturing plant; RULES VIOLATED: 30 TAC §116.115(c) and §122.143(4), New Source Review Permit Number 22197, Special Conditions Number 1, Federal Operating Permit Number O2102, General Terms and Conditions and Special Terms and Conditions Number 15, and Texas Health and Safety Code, §382.085(b), by failing to prevent unauthorized emissions; PENALTY: \$13,275; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$5,310; ENFORCEMENT COORDINATOR: Trenton White, (903) 535-5155; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(19) COMPANY: DFA Dairy Brands Fluid, LLC; DOCKET NUMBER: 2024-1436-MLM-E; IDENTIFIER: RN100543891; LOCATION: Lubbock, Lubbock County; TYPE OF FACILITY: fluid milk and juice product processing plant; RULES VIOLATED: 30 TAC §106.373(3) and §116.110(a) and Texas Health and Safety Code, §382.0518(a) and §382.085(b), by failing to obtain authorization prior to constructing or modifying a source of air contaminants; and 30 TAC §335.474 and §335.479, by failing to prepare a five-year pollution prevention plan and maintain it on-site, available to commission personnel for inspection; PENALTY: \$6,375; ENFORCEMENT COORDINATOR: Desmond Martin, (512) 239-2814; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(20) COMPANY: Douglas A. Bateman dba Bateman Water Works; DOCKET NUMBER: 2025-0205-PWS-E; IDENTIFIER: RN101198778; LOCATION: Rosharon, Brazoria County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.39(o)(3) and §290.45(h)(1), by failing to adopt and submit to the Executive Director a complete Emergency Preparedness Plan that demonstrates the facility's ability to provide emergency operations; PENALTY: \$62; ENFORCEMENT COORDINATOR: Hilda Iyasele, (512) 239-5280; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(21) COMPANY: EAST HOUSTON UTILITIES, INCORPORATED; DOCKET NUMBER: 2025-0046-PWS-E; IDENTIFIER:

RN101266989; LOCATION: Dayton, Liberty County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.39(j)(1)(A) and Texas Health and Safety Code, §341.0351, by failing to notify the Executive Director and receive approval prior to making a significant change or addition where the change in the existing systems results in an increase or decrease in production, treatment, storage or pressure maintenance; and 30 TAC §§290.41(c)(3)(O), 290.42(m), and 290.43(e), by failing to provide an intruder-resistant fence or well house around each water treatment plant, well unit, potable water storage tank, pressure maintenance facility, and related appurtenances that remains locked during periods of darkness and when the facility is unattended; PENALTY: \$3,025; ENFORCEMENT COORDINATOR: Rachel Frey, (512) 239-4330; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(22) COMPANY: Energy Transfer GC NGL Fractionators LLC; DOCKET NUMBER: 2022-0677-AIR-E; IDENTIFIER: RN106018260; LOCATION: Baytown, Chambers County; TYPE OF FACILITY: natural gas processing plant; RULES VIOLATED: 30 TAC §116.115(b)(2)(F) and (c) and §122.143(4), New Source Review Permit Numbers 110274 and N182, Special Conditions Number 1, Federal Operating Permit (FOP) Number O3838, General Terms and Conditions (GTC) and Special Terms and Conditions (STC) Number 11, and Texas Health and Safety Code (THSC), §382.085(b), by failing to comply with the maximum allowable emissions rate; 30 TAC §§116.115(c), 116.615(2), and 122.143(4), Standard Permit Registration Number 93813, FOP Number O3838, GTC and STC Number 11, and THSC, §382.085(b), by failing to prevent unauthorized emissions; and 30 TAC §122.143(4) and §122.145(2)(A), FOP Number O3838, GTC, and THSC, §382.085(b), by failing to report all instances of deviations; PENALTY: \$77,345; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$30,938; ENFORCEMENT COORDINATOR: Michael Wilkins, (325) 698-6134; REGIONAL OFFICE: 1977 Industrial Boulevard, Abilene, Texas 79602-7833, (325) 698-9674.

(23) COMPANY: Estela Turner dba Cerro Alto Water System; DOCKET NUMBER: 2025-0360-PWS-E; IDENTIFIER: RN102672284; LOCATION: El Paso, Hudspeth County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.39(o)(3) and §290.45(h)(1), by failing to adopt and submit to the Executive Director a complete Emergency Preparedness Plan that demonstrates the facility's ability to provide emergency operations; PENALTY: \$62; ENFORCEMENT COORDINATOR: De'Shaune Blake, (210) 403-4033; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 492-3096.

(24) COMPANY: FPG CT Owner, LP; DOCKET NUMBER: 2023-1732-IWD-E; IDENTIFIER: RN101052751; LOCATION: Dallas, Dallas County; TYPE OF FACILITY: office tower housing service-related businesses; RULES VIOLATED: 30 TAC §305.125(1), TWC, §26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit Number WQ0004161000 Effluent Limitations and Monitoring Requirements Number 1, by failing to comply with permitted effluent limitations; PENALTY: \$36,000; ENFORCEMENT COORDINATOR: Taylor Williamson, (512) 239-2097; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(25) COMPANY: GILVIN-TERRILL, LTD.; DOCKET NUMBER: 2024-1766-WQ-E; IDENTIFIER: RN108721465; LOCATION: Floydada, Floyd County; TYPE OF FACILITY: industrial stormwater site; RULES VIOLATED: 30 TAC §305.125(1) and (17) and Texas Pollutant Discharge Elimination System General Permit Number TXR05ED57, Part III, Section E, Standard Permit Conditions Number 6(2), by failing to submit discharge monitoring reports at inter-

vals specified in the permit; PENALTY: \$9,000; ENFORCEMENT COORDINATOR: Kolby Farren, (512) 239-2098; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(26) COMPANY: Golden Spread Electric Cooperative, Incorporated; DOCKET NUMBER: 2024-1124-AIR-E; IDENTIFIER: RN101286433; LOCATION: Denver City, Yoakum County; TYPE OF FACILITY: electric power generation plant; RULES VIOLATED: 30 TAC §§101.20(3), 116.115(c), and 122.143(4), New Source Review Permit Numbers 32881 and PSDTX875, Special Conditions Number 1, Federal Operating Permit Number O1777, General Terms and Conditions and Special Terms and Conditions Number 7, and Texas Health and Safety Code, §382.085(b), by failing to prevent unauthorized emissions; PENALTY: \$5,625; ENFORCEMENT COORDINATOR: Rajesh Acharya, (512) 239-0577; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(27) COMPANY: Hans Hansen and Karen Hansen; DOCKET NUMBER: 2021-1337-MLM-E; IDENTIFIER: RN111303277; LOCATION: Winnsboro, Wood County; TYPE OF FACILITY: residential construction site; RULES VIOLATED: TWC, §26.121(a)(1), by failing to prevent the unauthorized discharge of pollutants into or adjacent to any water in the state; 30 TAC §281.25(a)(4) and 40 Code of Federal Regulations §122.26(c), by failing to obtain authorization to discharge stormwater associated with construction activities; and 30 TAC §297.11 and TWC, §11.081 and §11.121, by failing to obtain authorization prior to diverting, impounding, storing, taking, or using state water; PENALTY: \$13,875; ENFORCEMENT COORDINATOR: Monica Larina, (361) 881-6965; REGIONAL OFFICE: 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas 78401, (361) 881-6900.

(28) COMPANY: Harris County Municipal Utility District 156; DOCKET NUMBER: 2025-0126-PWS-E; IDENTIFIER: RN104424122; LOCATION: Houston, Harris County; TYPE OF FACILITY: public water supply; RULE VIOLATED: 30 TAC §290.44(h)(1)(A), by failing to ensure additional protection was provided at all residences or establishments where an actual or potential contamination hazard exists in the form of an air gap or a backflow prevention assembly, as identified in 30 TAC §290.47(f); PENALTY: \$563; ENFORCEMENT COORDINATOR: Wyatt Throm, (512) 239-1120; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(29) COMPANY: Harris County Municipal Utility District Number 371; DOCKET NUMBER: 2023-1602-MWD-E; IDENTIFIER: RN101720209; LOCATION: Cypress, Harris County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: 30 TAC §305.125(1), TWC, §26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit Number WQ0014028001, Effluent Limitations and Monitoring Requirements Number 1, by failing to comply with permitted effluent limitations; PENALTY: \$5,437; ENFORCEMENT COORDINATOR: Samantha Smith, (512) 239-2099; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(30) COMPANY: Harris County Municipal Utility District Number 374; DOCKET NUMBER: 2025-0378-MWD-E; IDENTIFIER: RN103214599; LOCATION: Houston, Harris County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: 30 TAC §305.125(1), TWC, §26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit Number WQ0014354001, Effluent Limitations and Monitoring Requirements Numbers 1 and 2, by failing to comply with permitted effluent limitations; PENALTY: \$9,750; ENFORCEMENT COORDINATOR: Samantha Smith, (512)

239-2099; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(31) COMPANY: HERITAGE R.V. PARK, INCORPORATED; DOCKET NUMBER: 2025-0415-PWS-E; IDENTIFIER: RN101252120; LOCATION: Azle, Parker County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.39(o)(3) and §290.45(h)(1), by failing to adopt and submit to the Executive Director a complete Emergency Preparedness Plan that demonstrates the facility's ability to provide emergency operations; PENALTY: \$53; ENFORCEMENT COORDINATOR: Ilia Perez-Ramirez, (737) 767-3743; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(32) COMPANY: JOLADI VENTURES, LLC; DOCKET NUMBER: 2025-0749-WQ-E; IDENTIFIER: RN112203534; LOCATION: Holland, Bell County; TYPE OF FACILITY: construction site; RULES VIOLATED: 30 TAC §281.25(a)(4) and 40 Code of Federal Regulations §122.26(c), by failing to obtain authorization to discharge stormwater associated with construction; PENALTY: \$2,250; ENFORCEMENT COORDINATOR: Monica Larina, (361) 881-6965; REGIONAL OFFICE: 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas 78401, (361) 881-6900.

(33) COMPANY: Linda Wiley dba Northview Mobile Home Park; DOCKET NUMBER: 2025-0704-PWS-E; IDENTIFIER: RN105855308; LOCATION: Amarillo, Potter County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.39(o)(3) and §290.45(h)(1), by failing to adopt and submit to the Executive Director a complete Emergency Preparedness Plan that demonstrates the facility's ability to provide emergency operations; PENALTY: \$156; ENFORCEMENT COORDINATOR: Ronica Rodriguez Scott, (512) 239-2510; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(34) COMPANY: MAK Golden, Incorporated dba Manor Gro; DOCKET NUMBER: 2023-1539-PST-E; IDENTIFIER: RN101638567; LOCATION: Austin, Travis County; TYPE OF FACILITY: permanently removed underground storage tank (UST) system; RULE VIOLATED: 30 TAC §334.55(f)(2), by failing to assure that all UST recordkeeping requirements for permanent removal from service are met; PENALTY: \$2,250; ENFORCEMENT COORDINATOR: Stephanie McCurley, (512) 239-2607; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(35) COMPANY: Martin Perez Gonzalez; DOCKET NUMBER: 2025-0652-WQ-E; IDENTIFIER: RN111806832; LOCATION: Port Lavaca, Calhoun County; TYPE OF FACILITY: aggregate production operation (APO); RULE VIOLATED: 30 TAC §342.25(d), by failing to renew the APO registration annually as regulated activities continued; PENALTY: \$5,000; ENFORCEMENT COORDINATOR: Monica Larina, (361) 881-6965; REGIONAL OFFICE: 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas 78401, (361) 881-6900.

(36) COMPANY: McBride Operating LLC; DOCKET NUMBER: 2024-1739-AIR-E; IDENTIFIER: RN112055082; LOCATION: Waskom, Harrison County; TYPE OF FACILITY: oil and gas disposal facility; RULES VIOLATED: 30 TAC §116.110(a) and Texas Health and Safety Code, §382.0518(a) and §382.085(b), by failing to obtain authorization prior to constructing or modifying a source of air contaminants; PENALTY: \$4,500; ENFORCEMENT COORDINATOR: Michael Wilkins, (325) 698-6134; REGIONAL OFFICE: 1977 Industrial Boulevard, Abilene, Texas 79602-7833, (325) 698-9674.

(37) COMPANY: MILLER WASTE MILLS, INCORPORATED; DOCKET NUMBER: 2024-1383-IWD-E; IDENTIFIER: RN100590207; LOCATION: Orange, Orange County; TYPE OF

FACILITY: plastic compounding plant; RULES VIOLATED: 30 TAC §305.125(1), TWC, §26.121(a)(1), and Texas Pollutant Discharge Elimination System (TPDES) Permit Number WQ0002835000, Effluent Limitations and Monitoring Requirements Number 1 for Outfalls 002 and 003, by failing to comply with permitted effluent limitations; and 30 TAC §305.125(1) and §319(b) and TPDES Permit Number WQ0002835000, Effluent Limitations and Monitoring Requirements Number 1 for Outfall 003, by failing to collect and analyze effluent samples at the intervals specified in the permit; PENALTY: \$56,399; ENFORCEMENT COORDINATOR: Samantha Smith, (512) 239-2099; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(38) COMPANY: MOSCOW WATER SUPPLY CORPORATION; DOCKET NUMBER: 2025-0641-PWS-E; IDENTIFIER: RN101652642; LOCATION: Moscow, Polk County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.39(o)(3) and §290.45(h)(1), by failing to adopt and submit to the Executive Director a complete Emergency Preparedness Plan that demonstrates the facility's ability to provide emergency operations; PENALTY: \$52; ENFORCEMENT COORDINATOR: Ronica Rodriguez Scott, (512) 239-2510; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(39) COMPANY: Nelson Bros. Ready Mix, Ltd; DOCKET NUMBER: 2023-0509-AIR-E; IDENTIFIER: RN109624478; LOCATION: Gunter, Grayson County; TYPE OF FACILITY: concrete batch plant; RULES VIOLATED: 30 TAC §101.4 and Texas Health and Safety Code, §382.085(a) and (b), by failing to prevent nuisance dust conditions; PENALTY: \$7,500; ENFORCEMENT COORDINATOR: Mackenzie Mehlmann, (512) 239-2572; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(40) COMPANY: NILCO ENTERPRISES, INCORPORATED; DOCKET NUMBER: 2024-1540-MLM-E; IDENTIFIER: RN112023049; LOCATION: Fort Worth, Tarrant County; TYPE OF FACILITY: unauthorized used oil transfer facility; RULES VIOLATED: 30 TAC §324.1 and 40 Code of Federal Regulations (CFR) §279.45(g)(1), by failing to label or clearly mark containers used to store used oil with the words "Used Oil"; 30 TAC §324.3(3), by failing to not cause, suffer, allow, or permit the unauthorized processing of industrial hazardous waste (IHW); 30 TAC §§324.4(2)(C), 324.11(2), and 328.24(a) and 40 CFR §279.42(a), by failing to register with the commission and the United States Environmental Protection Agency prior to conducting used oil and used oil filter activities at the facility; 30 TAC §324.6 and 40 CFR §279.22(b), by failing to ensure that containers used to store used oil are in good condition and not leaking; 30 TAC §324.11(2) and 40 CFR §279.42(a) and §279.43(a), by failing to prevent the unauthorized transportation of used oil; 30 TAC §324.15 and 40 CFR §279.45(h), by failing to perform response actions upon detection of a release of used oil; and 30 TAC §335.2(b) and 40 CFR §263.11(a), by failing to have or obtain authorization to transport IHW; PENALTY: \$10,488; ENFORCEMENT COORDINATOR: Tiffany Chu, (817) 588-5891; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(41) COMPANY: Nutrien US LLC; DOCKET NUMBER: 2024-1560-AIR-E; IDENTIFIER: RN101865715; LOCATION: Borger, Hutchinson County; TYPE OF FACILITY: ammonia production plant; RULES VIOLATED: 30 TAC §§101.20(3), 116.115(c), and 122.143(4), New Source Review Permit Numbers 19778 and PSDTX1326, Special Conditions Number 1, Federal Operating Permit Number O1689, General Terms and Conditions and Special Terms and Conditions Number 11, and Texas Health and Safety Code, §382.085(b), by failing to prevent unauthorized emissions; PENALTY: \$25,000; ENFORCEMENT COORDINATOR: Morgan Kopcho, (512) 239-4167; REGIONAL OF-

FICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 492-3096.

(42) COMPANY: PLEASANT SPRINGS WATER SUPPLY CORPORATION; DOCKET NUMBER: 2025-0562-PWS-E; IDENTIFIER: RN101452084; LOCATION: Palestine, Anderson County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.39(o)(3) and §290.45(h)(1), by failing to adopt and submit to the Executive Director a complete Emergency Preparedness Plan that demonstrates the facility's ability to provide emergency operations; PENALTY: \$50; ENFORCEMENT COORDINATOR: Ronica Rodriguez Scott, (512) 239-2510; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(43) COMPANY: SOUTHERN FOREST PRODUCTS, L L C; DOCKET NUMBER: 2024-1856-PWS-E; IDENTIFIER: RN102336757; LOCATION: Bon Wier, Newton County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.42(b)(1) and (e)(3), by failing to provide disinfection facilities for the groundwater supply for the purpose of microbiological control and distribution protection; 30 TAC §290.46(e)(4)(A), by failing to operate the facility under the direct supervision of a water works operator who holds an applicable, valid Class D or higher license issued by the Executive Director; 30 TAC §290.46(n)(1), by failing to maintain at the public water system accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank until the facility is decommissioned; 30 TAC §290.46(n)(2), by failing to make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies; and 30 TAC §290.46(n)(3), by failing to keep on file copies of well completion data as defined in 30 TAC §290.41(c)(3)(A) for as long as the well remains in service; PENALTY: \$12,243; ENFORCEMENT COORDINATOR: Corinna Willis, (512) 239-2504; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(44) COMPANY: Targa Pipeline Mid-Continent WestTex LLC; DOCKET NUMBER: 2024-0946-AIR-E; IDENTIFIER: RN108740143; LOCATION: Stanton, Martin County; TYPE OF FACILITY: gas refining plant; RULES VIOLATED: 30 TAC §116.615(2), Standard Permit Registration Number 135396, and Texas Health and Safety Code, §382.085(b), by failing to prevent unauthorized emissions; PENALTY: \$5,625; ENFORCEMENT COORDINATOR: Christina Ferrara, (512) 239-5081; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(45) COMPANY: Targa Pipeline Mid-Continent WestTex LLC; DOCKET NUMBER: 2024-1738-AIR-E; IDENTIFIER: RN102502549; LOCATION: Big Lake, Reagan County; TYPE OF FACILITY: compressor station; RULES VIOLATED: 30 TAC §116.615(2), Standard Permit Registration Number 151858, and Texas Health and Safety Code, §382.085(b), by failing to prevent unauthorized emissions; PENALTY: \$2,813; ENFORCEMENT COORDINATOR: Morgan Kopcho, (512) 239-4167; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 492-3096.

(46) COMPANY: THE DOW CHEMICAL COMPANY; DOCKET NUMBER: 2024-1288-AIR-E; IDENTIFIER: RN100225945; LOCATION: Freeport, Brazoria County; TYPE OF FACILITY: chemical manufacturing plant; RULES VIOLATED: 30 TAC §§101.20(3), 116.115(c), and 122.143(4), New Source Review Permit Numbers 834, 100787, 144784, and PSDTX1314M1, Special Conditions Number 1, Federal Operating Permit Numbers O2213, O3777, and O3905, General Terms and Conditions and Special Terms and Conditions Numbers 13, 20, and 24, and Texas Health and Safety Code, §382.085(b), by

failing to prevent unauthorized emissions; PENALTY: \$16,875; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$6,750; ENFORCEMENT COORDINATOR: Rajesh Acharya, (512) 239-0577; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(47) COMPANY: THOMAS STEEL DRUMS, INCORPORATED; DOCKET NUMBER: 2024-1154-AIR-E; IDENTIFIER: RN100688738; LOCATION: Fort Worth, Tarrant County; TYPE OF FACILITY: barrel and drum manufacturing facility; RULES VIOLATED: 30 TAC §116.115(b)(2)(E)(i) and (c), New Source Review (NSR) Permit Number 49060, Special Conditions (SC) Numbers 15.C(3) and 15.Q, and Texas Health and Safety Code (THSC), §382.085(b), by failing to maintain records containing the information and data sufficient to demonstrate compliance with the permit; 30 TAC §116.115(b)(2)(F) and (c), NSR Permit Number 49060, SC Number 1, and THSC, §382.085(b), by failing to comply with the maximum allowable emissions rates; and 30 TAC §116.115(c), NSR Permit Number 49060, SC Number 4, and THSC, §382.085(b), by failing to comply with opacity limit; PENALTY: \$25,250; ENFORCEMENT COORDINATOR: Rajesh Acharya, (512) 239-0577; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(48) COMPANY: Town of Oak Ridge; DOCKET NUMBER: 2025-0455-PWS-E; IDENTIFIER: RN101450799; LOCATION: Gainesville, Cooke County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.44(h)(4), by failing to have all backflow prevention assemblies tested upon installation and on an annual basis by a recognized backflow assembly tester and certified that they are operating within specifications; 30 TAC §290.46(m), by failing to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment; and 30 TAC §290.46(m)(1)(A), by failing to inspect the facility's 217,000-gallon ground storage tank annually; PENALTY: \$1,437; ENFORCEMENT COORDINATOR: Taner Hengst, (512) 239-1143; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(49) COMPANY: TURTLE COVE LOT OWNERS ASSOCIATION, INCORPORATED; DOCKET NUMBER: 2023-1182-PWS-E; IDENTIFIER: RN101246148; LOCATION: Freeport, Brazoria County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.42(b)(2)(C), by failing to ensure that all openings to the atmosphere are covered with a 16-mesh or finer corrosion-resistant screening material or an acceptable equivalent; 30 TAC §290.42(c)(4)(A), by failing to provide a full-face self-contained breathing apparatus or supplied air respirator that meets Occupational Safety and Health Administration standards and is readily accessible outside the chlorinator room and immediately available to the operator in the event of an emergency; 30 TAC §290.44(h)(1)(A), by failing to ensure additional protection was provided at all residences or establishments where an actual or potential contamination hazard exists in the form of an air gap or a backflow prevention assembly, as identified in 30 TAC §290.47(f); 30 TAC §290.45(b)(1)(c)(ii) and Texas Health and Safety Code (THSC), §341.0315(c), by failing to provide a total storage capacity of 200 gallons per connection; 30 TAC §290.45(b)(1)(C)(iii) and THSC, §341.0315(c), by failing to provide two or more pumps that have a total capacity of 2.0 gallons per minute per connection; 30 TAC §290.46(f)(2) and (3)(A)(i)(III), by failing to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request; 30 TAC §290.46(m), by failing to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment; 30 TAC §290.46(m)(4), by failing to maintain all water treatment units, storage, and pressure maintenance facilities, distribution system

lines, and related appurtenances in a watertight condition and free of excessive solids; 30 TAC §290.46(n)(1), by failing to maintain at the public water system accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank until the Facility is decommissioned; 30 TAC §290.46(n)(3), by failing to keep on file copies of well completion data as defined in 30 TAC §290.41(c)(3)(A) for as long as the well remains in service; and 30 TAC §290.46(t), by failing to post legible sign at the facility's production, treatment, and storage facilities that contains the name of the facility and an emergency telephone number where a responsible official can be contacted; PENALTY: \$5,258; ENFORCEMENT COORDINATOR: Kaisie Hubschmitt, (512) 239-1482; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(50) COMPANY: Wexford LLC dba Pirate Stop; DOCKET NUMBER: 2024-0498-PST-E; IDENTIFIER: RN106150311; LOCATION: Vidor, Orange County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.10(b)(2), by failing to assure that all underground storage tank (UST) recordkeeping requirements are met; 30 TAC §334.48(e)(1) and §334.50(b)(1)(B) and (2)(A)(iii) and TWC, §26.3475(a) and (c)(1), by failing to conduct a test of the proper operation of the release detection equipment at least annually, and failing to monitor the UST and associated pressurized piping installed on or after January 1, 2009, in a manner which will detect a release at a frequency of at least once every 30 days by using interstitial monitoring; 30 TAC §334.48(g)(1)(A)(ii), (h)(1)(A)(ii), and (B)(i), and TWC, §26.3475(c)(1) and (2), by failing to inspect the overfill prevention equipment at least once every three years to ensure it is set to activate at the correct level and will activate when a regulated substance reaches that level, also failing to conduct a walkthrough inspection for the release detection equipment at least once every 30 days, in addition, failing to conduct the annual walkthrough inspection of the containment sumps, and lastly, failing to test the spill prevention equipment and containment sumps used for interstitial monitoring of piping once every three years to ensure the equipment is liquid tight; and 30 TAC §334.602(a), by failing to designate, train, and certify at least one named individual for each class of operator Class A, Class B, and Class C for the facility; PENALTY: \$7,378; ENFORCEMENT COORDINATOR: Tiffany Chu, (817) 588-5891; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(51) COMPANY: Wink Amine Treater, LLC; DOCKET NUMBER: 2025-0587-AIR-E; IDENTIFIER: RN111756912; LOCATION: Pyote, Winkler County; TYPE OF FACILITY: oil and gas treatment system; RULES VIOLATED: 30 TAC §116.115(c) and §116.615(2), Standard Permit Registration Number 175554, and Texas Health and Safety Code, §382.085(b), by failing to prevent unauthorized emissions; PENALTY: \$21,375; ENFORCEMENT COORDINATOR: Trenton White, (903) 535-5155; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(52) COMPANY: XPO Logistics Freight, Incorporated; DOCKET NUMBER: 2024-1755-IHW-E; IDENTIFIER: RN102364965; LOCATION: Dallas, Dallas County; TYPE OF FACILITY: generator of industrial hazardous waste (IHW); RULES VIOLATED: 30 TAC §335.6(b) and (c)(5), by failing to update the facility's Notice of Registration; 30 TAC §335.10(a)(1), by failing to include a Texas Waste Code for each hazardous waste (HW) itemized on the manifest; 30 TAC §335.53(f) and 40 Code of Federal Regulations (CFR) §262.17(a)(7), by failing to maintain personnel training records; and 30 TAC §335.431(c) and 40 CFR §268.7(a)(8), by failing to maintain land disposal restriction notification forms for HW sent for treatment or disposal in the facility file; PENALTY: \$105,000; ENFORCEMENT COORDINATOR: Tiffany Chu, (817) 588-5891; REGIONAL

OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

TRD-202502839

Gitanjali Yadav

Deputy Director, Litigation Division

Texas Commission on Environmental Quality

Filed: August 12, 2025



Enforcement Orders

An agreed order was adopted regarding DONA PAOLA, LLC, Docket No. 2020-0736-PST-E on August 12, 2025, assessing \$4,625 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Laney Foeller, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-202502862

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: August 13, 2025



Notice of a Public Meeting and a Proposed Renewal With Amendment of General Permit TXG130000 Authorizing the Discharge of Wastewater

The Texas Commission on Environmental Quality (TCEQ or commission) is proposing to renew and amend Texas Pollutant Discharge Elimination System General Permit TXG130000. This general permit authorizes discharges into or adjacent to water in the state from aquaculture facilities and other activities related to aquaculture. The draft general permit applies to the entire state of Texas. General permits are authorized by Texas Water Code, §26.040.

DRAFT GENERAL PERMIT. The executive director has prepared a draft general permit renewal with amendments of an existing general permit that authorizes discharges into or adjacent to water in the state from aquaculture facilities and other activities related to aquaculture. No significant degradation of high quality waters is expected and existing uses will be maintained and protected. The executive director proposes to require certain dischargers to submit a Notice of Intent to obtain authorization to discharge.

The executive director has reviewed this action for consistency with the goals and policies of the Texas Coastal Management Program (CMP) according to General Land Office regulations and has determined that the action is consistent with applicable CMP goals and policies.

On the date that this notice is published, a copy of the draft general permit and fact sheet will be available for a minimum of 30 days for viewing and copying at the TCEQ Office of the Chief Clerk located at the TCEQ Austin office, at 12100 Park 35 Circle, Building F. These documents will also be available at the TCEQ's 16 regional offices and on the TCEQ website at <https://www.tceq.texas.gov/permitting/wastewater/general/index.html>.

PUBLIC COMMENT/PUBLIC MEETING. You may submit public comments on this proposed general permit in writing or orally at the public meeting to be held by the TCEQ. The purpose of a public meeting is to provide the opportunity to submit written or oral comment or to ask questions about the draft general permit. A public meeting is not a contested case hearing.

The hybrid in-person and virtual public meeting will be held at 9:30 a.m., September 22, 2025, in TCEQ's complex at 12100 Park 35 Circle, Building B, Room 201A, Austin, Texas 78753.

Information for registering and attending the public meeting virtually is available at <https://www.tceq.texas.gov/permitting/wastewater/general/index.html>.

Written public comments must be received by the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/> within 30 days from the date this notice is published.

ALTERNATIVE LANGUAGE NOTICE. Alternative language notice in Spanish is available at <https://www.tceq.texas.gov/permitting/wastewater/general/index.html>. El aviso de idioma alternativo en español está disponible en <https://www.tceq.texas.gov/permitting/wastewater/general/index.html>.

APPROVAL PROCESS. After the comment period, the executive director will consider all the public comments and prepare a written response. The response will be filed with the TCEQ Office of the Chief Clerk at least 10 days before the scheduled commission meeting when the commission will consider approval of the general permit. The commission will consider all public comment in making its decision and will either adopt the executive director's response or prepare its own response. The commission will issue its written response on the general permit at the same time the commission issues or denies the general permit. A copy of any issued general permit and response to comments will be made available to the public for inspection at the agency's Austin office. A notice of the commissioners' action on the draft general permit and information on how to access the response to comments will be mailed to each person who submitted a comment. Also, a notice of the commission's action on the draft general permit and the text of its response to comments will be published in the *Texas Register*.

MAILING LISTS. In addition to submitting public comments, you may ask to be placed on a mailing list to receive future public notices mailed by the TCEQ Office of the Chief Clerk. You may request to be added to: 1) the mailing list for this specific general permit; 2) the permanent mailing list for a specific county; or 3) both. Clearly specify the mailing lists to which you wish to be added and send your request to the TCEQ Office of the Chief Clerk at the address previously mentioned. Unless you otherwise specify, you will be included only on the mailing list for this specific general permit.

INFORMATION. If you need more information about this general permit or the permitting process, please call the TCEQ Public Education Program, toll free, at 1-800-687-4040. General information about the TCEQ can be found at our website at: <https://www.tceq.texas.gov>.

Persons with disabilities who need special accommodations at the public meeting should call the Office of the Chief Clerk at (512) 239-3300 or 1-800-RELAY-TX (TDD) at least one week prior to the meeting.

Further information may also be obtained by calling Shannon Gibson, TCEQ Water Quality Division, at (512) 239-4284.

Si desea información en español, puede llamar 1-800-687-4040.

TRD-202502838

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: August 11, 2025



Notice of an Amendment to a Certificate of Adjudication
Application No. 12-3761A

Notices Issued August 6, 2025

City of Cameron, P.O. Box 833, Cameron, Texas 76520 seeks to amend Certificate of Adjudication No. 12-3761 to add a diversion reach on the Little River, Brazos River Basin in Milam County and to relocate its existing reservoir to a location within the diversion reach. More information on the application and how to participate in the permitting process is given below.

The application was received on October 30, 2024, and partial fees were received on November 6, 2024. The application and fees were received on March 24, 2022. Additional information was received on May 18, 2022. The application was declared administratively complete and filed with the Office of the Chief Clerk on June 3, 2022.

The Executive Director completed the technical review of the application and prepared a draft amendment. The draft amendment, if granted, would include special conditions including, but not limited to, a requirement to offset evaporative losses from the new reservoir by reducing the annual diversion amount. The application, technical memoranda, and Executive Director's draft amendment are available for viewing on the TCEQ webpage at: https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/view-wr-pend-apps.

Alternatively, you may request a copy of the documents by contacting the TCEQ Office of the Chief Clerk by phone at (512) 239-3300 or by mail at TCEQ OCC, Notice Team (MC-105), P.O. Box 13087, Austin, Texas 78711.

Written public comments and requests for a public meeting should be submitted to the Office of the Chief Clerk, at the address provided in the information section below within 30 days of the date of newspaper publication of the notice. A public meeting is intended for the taking of public comment and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

The TCEQ may grant a contested case hearing on this application if a written hearing request is filed within 30 days from the date of newspaper publication of this notice. The Executive Director may approve the application unless a written request for a contested case hearing is filed within 30 days after newspaper publication of this 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) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions for the requested permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

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

Written hearing requests, public comments, or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/> by entering ADJ 3761 in the search field. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Public Education Program at (800) 687-4040.

General information regarding the TCEQ can be found at our website at www.tceq.texas.gov. Si desea información en español, puede llamar al (800) 687-4040 o por el internet al <http://www.tceq.texas.gov>.

TRD-202502860

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: August 13, 2025

Notice of an Application for a Water Use Permit Application No. 13741

Notices Issued August 6, 2025

The City of San Angelo, The City, 72 W. College Avenue, San Angelo, Texas 76903, seeks authorization to use the bed and banks of the Concho River to convey 13,443 acre-feet of discharged treated municipal wastewater per year, authorized under Texas Pollutant Discharge Elimination System Permit No. WQ0010641003, for subsequent diversion and use for municipal purposes in the City's service area in Tom Green County. More information on the application and how to participate in the permitting process is given below.

The application and partial fees were received on October 15, 2020. Additional fees were received on December 14, 2020. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on December 30, 2020. Additional information was received on June 8, 2023, July 5, July 25, September 24, and October 16, 2024.

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

Written public comments and requests for a public meeting should be submitted to the Office of the Chief Clerk, at the address provided in the information section below by September 9, 2025. A public meeting is intended for the taking of public comment and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

The TCEQ may grant a contested case hearing on this application if a written hearing request is filed by September 9, 2025. The Executive Director can consider an approval of the application unless a written request for a contested case hearing is filed by September 9, 2025.

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

the Office of the Chief Clerk at the address provided in the information section below.

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

Written hearing requests, public comments, or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/> by entering WRPERM 13741 in the search field. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Public Education Program at (800) 687-4040. General information regarding the TCEQ can be found at our website at www.tceq.texas.gov. Si desea información en español, puede llamar al (800) 687-4040 o por el internet al <http://www.tceq.texas.gov>.

TRD-202502861

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: August 13, 2025



Notice of District Petition - D-06272025-064

Notice issued August 6, 2025

TCEQ Internal Control No. D-06272025-064: Cypress Lakes Interest, Ltd., a Texas limited partnership, doing business as Cypress Lakes Investment, Ltd., (Petitioner) filed a petition for creation of Harris County Municipal Utility District No. 592 (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, §59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioner holds title to a majority in value of the land to be included in the proposed District; (2) there are lienholders on the property to be included in the proposed District there are seven lienholders, Jeffrey K. Hepper, Hepper Children's Trust, Dan Baldwin, Bobbie Jean Frank, Quest IRA Inc., FBO Pamela Pierce, Larry Rankin, and Triumph Golf, LLC, 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 182.257 acres located within Harris County, Texas; and (4) none of the land within the proposed District is within the corporate limits or extraterritorial jurisdiction of any city. The petition further states that the proposed District will: (1) purchase, construct, acquire, maintain, own, operate, repair, improve and extend a waterworks and wastewater 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, and operate 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 \$66,700,000

(\$36,800,000 for water, wastewater, and drainage, \$19,300,000 for roads, and \$10,600,000 for recreation).

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-202502796

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: August 6, 2025



Notice of District Petition - D-07072025-023

Notice issued August 6, 2025

TCEQ Internal Control No. D-07072025-023: Forestar (USA) Real Estate Group Inc., a Delaware corporation, (Petitioner) filed a petition for creation of Huntsville Municipal Utility District No. 2 (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, §59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioner holds title to a majority in value of the land to be included in the proposed District; (2) there are no lienholders on the property to be included in the proposed District; (3) the proposed District will contain approximately 226.50 acres located within Walker County, Texas; and (4) all of the land within the proposed District is wholly within the extraterritorial jurisdiction of the City of Huntsville. By Resolution No. 2023-15, passed and approved on December 19, 2023, the City of Huntsville, Texas, gave its consent to the creation of the proposed District, pursuant to Texas Wa-

ter Code §54.016. The petition further states that the proposed District will: (1) purchase, construct, acquire, maintain, own, operate, repair, improve and extend a waterworks and wastewater 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, and operate such additional facilities, systems, plants, and enterprises, and road facilities as shall be consistent with all of the purposes for which the proposed District is created. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioner that the cost of said project will be approximately \$34,555,000 (\$18,055,000 for water, wastewater, and drainage and \$16,500,000 for roads).

INFORMATION SECTION

To view the complete issued notice, view the notice on our website at www.tceq.texas.gov/agency/cc/pub_notice.html 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-202502797

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: August 6, 2025



Notice of District Petition - D-07152025-032

Notice issued August 6, 2025

TCEQ Internal Control No. D-07152025-032: Pinehurst Builders LLC, a Texas limited liability company (Petitioner) filed a petition

for creation of Williamson County Municipal Utility District No. 67 (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, §59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ.

The petition states that: (1) the Petitioner holds title to a majority in value of the land to be included in the proposed District; (2) there is only one lienholder, Heartland Bank and Trust Company, an Illinois corporation, on the property to be included in the proposed District; (3) the proposed District will contain approximately 50.133 acres located within Williamson County, Texas; and (4) none of the land within the proposed District is located within the corporate limits or extrajurisdictional jurisdiction of any city.

The petition further states that the general nature of the work proposed to be done by the proposed District, as contemplated at the present time, is the purchase, design, construction, acquisition, improvement, extension, ownership, operation, maintenance, repair, conveyance, financing, and issuance of bonds for: (1) an adequate and efficient water works and sanitary sewer system for domestic purposes; (2) works, improvements, facilities, plants, equipment, and appliances helpful or necessary to provide more adequate drainage for the proposed District, and to control, abate, and amend local storm waters or other harmful excesses of waters; (3) park and recreational facilities; (4) roads and improvements in aid of roads; and (5) such other additional facilities, systems, plants, and enterprises as may be consistent with any or all of the purposes for which the proposed District is created. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioners that the cost of said project will be approximately \$11,455,000 (\$7,345,000 for water, wastewater, and drainage plus \$1,030,000 for recreation plus \$3,080,000 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 web site at www.tceq.texas.gov.

TRD-202502798

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: August 6, 2025



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

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Default Order (DO). The commission staff proposes a DO when the staff has sent the Executive Director's Preliminary Report and Petition (EDPRP) to an entity outlining the alleged violations; the proposed penalty; the proposed technical requirements necessary to bring the entity back into compliance; and the entity fails to request a hearing on the matter within 20 days of its receipt of the EDPRP or requests a hearing and fails to participate at the hearing. Similar to the procedure followed with respect to Agreed Orders entered into by the executive director of the commission, in accordance with Texas Water Code (TWC), §7.075, this notice of the proposed order and the opportunity to comment is published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **September 23, 2025**. The commission will consider any written comments received, and the commission may withdraw or withhold approval of a DO if a comment discloses facts or considerations that indicate that consent to the proposed DO is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction, or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed DO is not required to be published if those changes are made in response to written comments.

A copy of the proposed DO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable regional office listed as follows. Written comments about the DO should be sent to the attorney designated for the DO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on September 23, 2025**. The commission's attorney is available to discuss the DO and/or the comment procedure at the listed phone number; however, TWC, §7.075, provides that comments on the DO shall be submitted to the commission in **writing**.

(1) COMPANY: Misty Hollow Glamping, LLC; DOCKET NUMBER: 2022-0755-MLM-E; TCEQ ID NUMBER: RN111471207; LOCATION: 2224 and 2248 Misty Hollow in New Braunfels, Comal County; TYPE OF FACILITY: a construction site for camping business; RULES VIOLATED: 30 TAC §213.4(a)(1), by failing to obtain approval of an Edwards Aquifer Protection Plan prior to commencing a regulated activity over the Edwards Aquifer Recharge Zone; TWC, §26.121, 40 Code of Federal Regulations §122.26(c), and 30 TAC §281.25(a)(4), by failing to obtain authorization to discharge stormwater associated with construction activities; Texas Government Code §2001.056(4) and 1 TAC Part 7, §155.501(e), by failing to appear for the evidentiary hearing; PENALTY: \$17,500; STAFF ATTORNEY: Jennifer Peltier, Litigation, MC 175, (512) 239-0544; REGIONAL

OFFICE: San Antonio Regional Office, 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

TRD-202502840

Gitanjali Yadav

Deputy Director, Litigation Division

Texas Commission on Environmental Quality

Filed: August 12, 2025



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

The Texas Commission on Environmental Quality (TCEQ, agency, or commission) staff is providing an opportunity for written public comment on the listed Shutdown/Default Order (S/DO). Texas Water Code (TWC), §26.3475, authorizes the commission to order the shutdown of any underground storage tank (UST) system found to be noncompliant with release detection, spill and overfill prevention, and/or, after December 22, 1998, cathodic protection regulations of the commission, until such time as the owner/operator brings the UST system into compliance with those regulations. The commission proposes a Shutdown Order after the owner or operator of a UST facility fails to perform required corrective actions within 30 days after receiving notice of the release detection, spill, and overfill prevention, and/or after December 22, 1998, cathodic protection violations documented at the facility. The commission proposes a Default Order when the staff has sent an Executive Director's Preliminary Report and Petition (EDPRP) to an entity outlining the alleged violations, the proposed penalty, the proposed technical requirements necessary to bring the entity back into compliance, and the entity fails to request a hearing on the matter within 20 days of its receipt of the EDPRP or requests a hearing and fails to participate at the hearing. In accordance with TWC, §7.075, this notice of the proposed order and the opportunity to comment is published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **September 23, 2025**. The commission will consider any written comments received and the commission may withdraw or withhold approval of an S/DO if a comment discloses facts or considerations that indicate that consent to the proposed S/DO is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction, or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed S/DO is not required to be published if those changes are made in response to written comments.

A copy of the proposed S/DO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable regional office listed as follows. Written comments about the S/DO shall be sent to the attorney designated for the S/DO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on September 23, 2025**. The commission's attorney are available to discuss the S/DO and/or the comment procedure at the listed phone number; however, comments on the S/DO shall be submitted to the commission in **writing**.

(1) COMPANY: WEST MAIN PLAZA LLC dba On Point; DOCKET NUMBER: 2022-0887-PST-E; TCEQ ID NUMBER: RN101907012; LOCATION: 2222 West Main Street in Gun Barrel City, Henderson County; TYPE OF FACILITY: UST system and a convenience store with retail sales of gasoline; RULES VIOLATED: TWC, §26.3467(a) and 30 TAC §334.8(c)(5)(A)(i), by failing to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs; 30 TAC

§334.8(c)(4)(A)(vii) and (5)(B)(ii), by failing to renew a previously issued UST delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date; TWC, §26.3475(d) and 30 TAC §334.49(a)(1), by failing to provide corrosion protection for the UST system; TWC, §26.3475(a) and (c)(1), and 30 TAC §334.50(b)(1)(A) and (2), by failing to monitor the USTs in a manner which will detect a release at a frequency of at least once every 30 days, and failing to provide release detection for the pressurized piping associated with the UST system; 30 TAC §334.606, by failing to maintain required operator training certification records on-site and make them available for inspection upon request by agency personnel; PENALTY: \$21,203; STAFF ATTORNEY: Marilyn Norrod, Litigation, MC 175, (512) 239-5916; REGIONAL OFFICE: Tyler Regional Office, 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

TRD-202502841

Gitanjali Yadav

Deputy Director, Litigation Division

Texas Commission on Environmental Quality

Filed: August 12, 2025



Texas Facilities Commission

Request for Proposals #303-7-20786 Austin

The Texas Facilities Commission (TFC), on behalf of the Health and Human Services Commission (HHSC), announces the issuance of Request for Proposals (RFP) #303-7-20786. TFC seeks a five (5) or ten (10) year lease of approximately 10,816 square feet of space that consists of 9,116 square feet of usable office space and 1,700 square feet of conditioned warehouse space in Austin, Texas.

The deadline for questions is September 2, 2025, and the deadline for proposals is September 23, 2025 at 3:00 p.m. The award date is January 15, 2026. TFC reserves the right to accept or reject any or all proposals submitted. TFC is under no legal or other obligation to execute a lease on the basis of this notice or the distribution of a RFP. Neither this notice nor the RFP commits TFC to pay for any costs incurred prior to the award of a grant.

Parties interested in submitting a proposal may obtain information by contacting Ayra Matthews at Ayra.Matthews@tfc.texas.gov. A copy of the RFP may be downloaded from the Electronic State Business Daily at <https://www.txsmartbuy.gov/esbd/303-7-20786>.

TRD-202502845

Amanda Brainard

State Leasing Services Director

Texas Facilities Commission

Filed: August 12, 2025



General Land Office

Notice and Opportunity to Comment on Requests for Consistency Agreement/Concurrence Under the Texas Coastal Management Program

On January 10, 1997, the State of Texas received federal approval of the Coastal Management Program (CMP) (62 *Federal Register* pp. 1439 - 1440). Under federal law, federal agency activities and actions affecting the Texas coastal zone must be consistent with the CMP goals and policies identified in 31 TAC Chapter 26. Requests for federal consistency review were deemed administratively complete for the following project(s) during the period of July 17, 2025 to August 8, 2025. As re-

quired 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, August 15, 2025. The public comment period for this project will close at 5:00 p.m. on Sunday, September 14, 2025.

Federal License and Permit Activities:

Applicant: Texas International Terminals

Location: The project site is located in the existing Texas International Terminals (TXIT) Berth along the Galveston Ship Channel, at 4800 Port Industrial Road, in Galveston, Galveston County, Texas.

Latitude and Longitude: 29.3074179, -94.8235558

The Galveston Ocean Dredged Material Disposal Site (ODMDS) is located approximately 3.7 nautical miles offshore, and 1.3 to 1.9 nautical miles southwest of the centerline of the Entrance Channel. This disposal site occupies an area of approximately 6.6 square nautical miles, with depths ranging from 33 to 51 ft. The site is trapezoidal in shape with vertex coordinates located at:

Vertices Latitude Longitude

N 28.300236 - 94.658525

E 29.265239 - 94.618525

S 29.240239 - 94.645192

W 29.281906 - 94.691858

Project Description: TXIT proposes to maintain dredge approximately 250,000 cubic yards annually from its existing berth and dispose of the dredged material in the Environmental Protection Agency's (EPA) designated Galveston ODMDS. The applicant does not propose compensatory mitigation.

Type of Application: U.S. Army Corps of Engineers permit application # SWG-2025-00368. This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 103 of the Marine Protection, Research, and Sanctuaries Act. Note: The consistency review for this project may be conducted by the Texas Commission on Environmental Quality as part of its certification under §401 of the Clean Water Act.

CMP Project No: 25-1254-F1

Applicant: Entergy Texas

Location: The project site is located within palustrine wetlands and stream channels, 0.5 miles south of the Highway 73 and Cambridge Street intersection, in Port Arthur, Jefferson County, Texas.

Latitude and Longitude: 29.876411, -93.99521

Project Description: The applicant proposes to permanently fill 5.2 acres of palustrine wetland and 0.08 acres (862 linear feet) of other waters in order to expand their existing 230 kilovolt (kV) Legend Substation in Port Arthur. The project will involve clearing, grading, and filling of wetlands to accommodate the expansion of the substation pad, as well as the construction of associated laydown and parking areas. The proposed expansion will add approximately 8.27 acres to the existing substation footprint to support the installation of transformers, other electrical equipment, and parking. Construction will require the placement of approximately 32,300 cubic yards of fill material to elevate the pad to a height of 5 feet above sea level. The substation is needed to supplement Entergy's recently permitted Legend Power Station and 230-kV transmission line (SWG-2024-00302). The applicant

proposed to mitigate for the proposed impacts by purchasing a total of 11.92 Functional Capacity Units (FCUs) from the Sea Breeze Mitigation Bank.

Type of Application: U.S. Army Corps of Engineers permit application # SWG-2017-00321. This application will be reviewed pursuant to Section 404 of the Clean Water Act. Note: The consistency review for this project may be conducted by the Texas Commission on Environmental Quality as part of its certification under §401 of the Clean Water Act.

CMP Project No: 25-1265-F1

Further information on the applications listed above, including a copy of the consistency certifications or consistency determinations for inspection, may be obtained from the Texas General Land Office Public Information Officer at 1700 N. Congress Avenue, Austin, Texas 78701, or via email at pialegal@glo.texas.gov. 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-202502864

Jennifer Jones

Chief Clerk and Deputy Land Commissioner
General Land Office

Filed: August 13, 2025



Texas Health and Human Services Commission

Public Notice: Mandatory Coverage for Eligible Juveniles who are Inmates of a Public Institution and Post Adjudication of Charges

The Texas Health and Human Services Commission (HHSC) announces its intent to submit transmittal number 25-0029 to the Texas State Plan for the Children's Health Insurance Program, under Title XXI of the Social Security Act.

The purpose of this amendment is to submit the required documentation for Section 5121 of the Consolidated Appropriations Act (CAA), 2023, which requires states to provide CHIP screening and diagnostic services and case management to eligible incarcerated youth. Eligible incarcerated youth are post-adjudicated individuals enrolled in CHIP. The proposed amendment is effective January 1, 2025.

At this time, the impact to state general revenue is unknown. HHSC is leveraging existing systems and processes to facilitate access to existing Texas CHIP services as soon as practicable after release from carceral settings. Initial implementation activities have no fiscal impact as HHSC will not update systems, not create new CHIP services or providers, nor update CHIP managed care organization capitation payments. HHSC requires direction and appropriations from the Texas Legislature to fully implement Section 5121 of the CAA, 2023.

To obtain copies of the proposed amendment, interested parties may contact Jayasree Sankaran, State Plan Coordinator, by mail at the Health and Human Services Commission, P.O. Box 13247, Mail Code H-310, Austin, Texas 78711; by telephone at (512) 438-4331; or by email at Medicaid_Chip_SPA_Inquiries@hhsc.state.tx.us.

TRD-202502867

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: August 13, 2025



Revised Public Notice: Texas Medicaid State Plan Amendment to Make Changes to the Language for Existing Medicaid Clinic Services Benefit and the Clinic Services Benefit Four Walls Requirement for Indian Health Services (IHS) and Tribal Clinics

The original notice regarding changes to the Medicaid clinic services benefit language and the clinic services benefit four walls requirement for Indian Health Services (IHS) and Tribal clinics request was posted in the *Texas Register* on April 4, 2025. This revised notice reflects a correction to remove language under the clinic services benefits that is no longer applicable in the state plan.

The Texas Health and Human Services Commission (HHSC) announces its intent to submit transmittal number 25-0017 to the Texas State Plan for Medical Assistance, under Title XIX of the Social Security Act.

The purpose of the proposed amendment is to remove language under the clinic services benefits in the state plan and to make requirements for Indian Health Services (IHS) and Tribal clinics consistent with the requirements set forth from the Centers for Medicare and Medicaid Services (CMS) in 42 CFR §440.90. The proposed amendment requires a mandatory exception to the four-wall requirement for the Medicaid clinic services benefit to authorize reimbursement for clinic services provided outside the four walls of IHS and Tribal clinics. The proposed amendment is effective January 1, 2025.

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

To obtain copies of the proposed amendment, interested parties may contact Jayasree Sankaran, State Plan Coordinator, by mail at the Health and Human Services Commission, P.O. Box 13247, Mail Code H-310, Austin, Texas 78711; by telephone at (512) 438-4331; or by email at Medicaid_Chip_SPA_Inquiries@hhsc.state.tx.us.

TRD-202502837

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: August 11, 2025



Texas Department of Insurance

Company Licensing

Application to do business in the state of Texas for Cypress Home A Reciprocal Group Exchange, a foreign reciprocal. The home office is in Jacksonville, Florida.

Any objections must be filed with the Texas Department of Insurance, within twenty (20) calendar days from the date of the *Texas Register* publication, addressed to the attention of Andrew Guerrero, 1601 Congress Ave., Suite 6.900, Austin, Texas 78701.

TRD-202502866

Justin Beam

Chief Clerk

Texas Department of Insurance

Filed: August 13, 2025



Texas Department of Licensing and Regulation

Notice of Vacancies on Elimination of Architectural Barriers Advisory Committee

The Texas Department of Licensing and Regulation (Department) announces two vacancies on the Elimination of Architectural Barriers Advisory Committee (Committee) established by Texas Government Code, Chapter 469. The pertinent rules may be found in 16 Texas Administrative Code §68.65. The purpose of the Committee is to provide advice and recommendations to the Texas Commission of Licensing and Regulation (Commission) in adopting rules relating to the Elimination of Architectural Barriers program. **This announcement is for:**

- one consumer with disabilities and
- one business professional

The Committee is composed of nine members appointed by the presiding officer of the Commission, with the Commission's approval. The Committee consists of building professionals and persons with disabilities who are familiar with architectural barrier problems and solutions. Members serve at the will of the Commission. Persons with disabilities must make up the majority of the committee.

Interested persons should submit an application on the Department website at: <https://www.tdlr.texas.gov/AdvisoryBoard/login.aspx>. Applicants can also request an application from the Department by e-mail at advisory.boards@tdlr.texas.gov.

These are not paid positions and there is no compensation or reimbursement for serving on the Committee.

Issued in Austin, Texas on August 22, 2025.

TRD-202502854
Courtney Arbour
Executive Director
Texas Department of Licensing and Regulation
Filed: August 12, 2025



Notice of Vacancies on Speech-Language Pathologists and Audiologists Advisory Board

The Texas Department of Licensing and Regulation (Department) announces three vacancies on the Speech-Language Pathologists and Audiologists Advisory Board (Board) established by Texas Occupations Code, Chapter 401. The purpose of the Speech-Language Pathologists and Audiologists Advisory Board is to provide advice and recommendations to the Department on technical matters relevant to the administration of this chapter. **This announcement is for:**

- one audiologist;
- one speech-language pathologist; and
- one public member.

The Board is composed of nine members appointed by the presiding officer of the Texas Commission of Licensing and Regulation (Commission), with the Commission's approval. Members serve staggered six-year terms with the terms of three members expire September 1 of each odd-numbered year. The Board is composed of the following members:

1. three audiologists;
2. three speech-language pathologists; and
3. three members who represent the public.

Advisory board members must:

1. be from the various geographic regions of the state; and
2. be from varying employment settings.

The advisory board members appointed under subsections (a)(1) and (2) must:

1. have been engaged in teaching, research, or providing services in speech-language pathology or audiology for at least five years; and
2. be licensed under this chapter.

One of the public members must be a physician licensed in this state and certified in otolaryngology or pediatrics.

Interested persons should submit an application on the Department website at: <https://www.tdlr.texas.gov/AdvisoryBoard/login.aspx>. Applicants can also request an application from the Department by telephone (800) 803-9202 or e-mail advisory.boards@tdlr.texas.gov.

These are not paid positions and there is no compensation or reimbursement for serving on the Board.

Issued in Austin, Texas this August 22, 2025.

TRD-202502853
Courtney Arbour
Executive Director
Texas Department of Licensing and Regulation
Filed: August 12, 2025



Notice of Vacancies on the Dietitians Advisory Board

The Texas Department of Licensing and Regulation (Department) announces three vacancies on the Dietitians Advisory Board (Board) established by Texas Occupations Code, Chapter 701. The purpose of the Dietitians Advisory Board is to provide advice and recommendations to the Department on technical matters relevant to the administration of this chapter. **This announcement is for:**

- one public member and
- two dietitians.

The Board is composed of nine members appointed by the presiding officer of the Texas Commission of Licensing and Regulation (Commission), with the approval of the Commission. In appointing dietitian members to the advisory board, the presiding officer of the commission shall attempt to maintain balanced representation among the following primary areas of expertise included in the professional discipline of dietetics: clinical, educational, management, consultation and community. Members serve staggered six-year terms. The terms of three members begin on September 1 of each odd-numbered year. The Board is composed of the following members:

1. six licensed dietitians, each of whom has been licensed under Chapter 701 for not less than three years before the member's date of appointment; and
2. three members who represent the public.

Interested persons should submit an application on the Department website at: <https://www.tdlr.texas.gov/AdvisoryBoard/login.aspx>. Applicants can also request an application from the Department by telephone (800) 803-9202 or e-mail advisory.boards@tdlr.texas.gov.

These are not paid positions and there is no compensation or reimbursement for serving on the Board.

Issued in Austin, Texas this August 22, 2025.

TRD-202502852

◆ ◆ ◆
Texas Lottery Commission

Scratch Ticket Game Number 2701 "\$100,000 BONUS MULTIPLIER"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2701 is "\$100,000 BONUS MULTIPLIER". The play style is "key number match".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2701 shall be \$5.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2701.

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. 2701 - 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	TWFO
26	TWSX
27	TWSV
28	TWET

29	TWNI
30	TRTY
31	TRON
32	TRTO
33	TRTH
34	TRFR
35	TRFV
36	TRSX
37	TRSV
38	TRET
39	TRNI
40	FRTY
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 (2701), 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: 2701-0000001-001.

H. Pack - A Pack of the "\$100,000 BONUS MULTIPLIER" Scratch Ticket Game contains 075 Tickets, packed in plastic shrink-wrapping and fanfolded in pages of one (1). The Packs will alternate. One will show the front of Ticket 001 and back of 075 while the other fold will show the back of Ticket 001 and front of 075.

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

J. Scratch Ticket Game, Scratch Ticket or Ticket - Texas Lottery "\$100,000 BONUS MULTIPLIER" Scratch Ticket Game No. 2701.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general Scratch Ticket validation requirements set forth in Texas Lottery Rule 401.302, Scratch Ticket Game Rules, these Game Procedures, and the requirements set out on the back of each Scratch Ticket. A prize winner in the "\$100,000 BONUS MULTIPLIER" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose forty-seven (47) Play Symbols. \$100,000 BONUS MULTIPLIER PLAY INSTRUCTIONS: If a player matches any of the YOUR NUMBERS Play Symbols to any of the WINNING NUMBERS Play Symbols, the player wins the PRIZE for that number. BONUS MULTIPLIER PLAY INSTRUCTIONS: The player scratches the BONUS MULTIPLIER play area to reveal 2 multiplier symbols. If the player reveals 2 matching multiplier symbols, the player multiplies the total prize won on the Ticket by that multiplier and wins that amount. For example, revealing 2 "20X" multiplier symbols will multiply the total prize won by 20 TIMES. No portion of the Display Printing nor any extraneous matter whatsoever shall be usable or playable as a part of the Scratch Ticket.

2.1 Scratch Ticket Validation Requirements.

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

1. Exactly forty-seven (47) Play Symbols must appear under the Latex Overprint on the front portion of the Scratch Ticket;
2. Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption;
3. Each of the Play Symbols must be present in its entirety and be fully legible;
4. Each of the Play Symbols must be printed in black ink except for dual image games;
5. The Scratch Ticket shall be intact;

6. The Serial Number and Game-Pack-Ticket Number must be present in their entirety and be fully legible;

7. The Serial Number must correspond, using the Texas Lottery's codes, to the Play Symbols on the Scratch Ticket;

8. The Scratch Ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted or tampered with in any manner;

9. The Scratch Ticket must not be counterfeit in whole or in part;

10. The Scratch Ticket must have been issued by the Texas Lottery in an authorized manner;

11. The Scratch Ticket must not have been stolen, nor appear on any list of omitted Scratch Tickets or non-activated Scratch Tickets on file at the Texas Lottery;

12. The Play Symbols, Serial Number and Game-Pack-Ticket Number must be right side up and not reversed in any manner;

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

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

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

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

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

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

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

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

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

2.2 Programmed Game Parameters.

A. GENERAL: 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. \$100,000 BONUS MULTIPLIER - KEY NUMBER MATCH: There will be no matching non-winning YOUR NUMBERS Play Symbols on a Ticket.

D. \$100,000 BONUS MULTIPLIER - KEY NUMBER MATCH: There will be no matching WINNING NUMBERS Play Symbols on a Ticket.

E. \$100,000 BONUS MULTIPLIER - KEY NUMBER MATCH: A non-winning Prize Symbol will never match a winning Prize Symbol.

F. \$100,000 BONUS MULTIPLIER - 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.

G. \$100,000 BONUS MULTIPLIER - KEY NUMBER MATCH: No prize amount in a non-winning spot will correspond with the YOUR NUMBERS Play Symbol (i.e., 25 and \$25).

H. BONUS MULTIPLIER: Two (2) matching BONUS MULTIPLIER Play Symbols of "2X" (DBL), "5X" (WINX5), "10X" (WINX10) or "20X" (WINX20) will only appear on winning Tickets, as dictated by the prize structure.

I. BONUS MULTIPLIER: Tickets that do not win in the "BONUS MULTIPLIER" play area will display two (2) different BONUS MULTIPLIER Play Symbols.

2.3 Procedure for Claiming Prizes.

A. To claim a "\$100,000 BONUS MULTIPLIER" 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 BONUS MULTIPLIER" 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 BONUS MULTIPLIER" Scratch Ticket Game prize, the claimant may submit the signed winning Scratch Ticket and a thoroughly completed claim form via mail. If a prize value is \$1,000,000 or more, the claimant must also provide proof of Social Security number or Tax Payer Identifica-

tion (for U.S. Citizens or Resident Aliens). Mail all to: Texas Lottery Commission, P.O. Box 16600, Austin, Texas 78761-6600. The Texas Lottery is not responsible for Scratch Tickets lost in the mail. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

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

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

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

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

- A. if a dispute occurs, or it appears likely that a dispute may occur, regarding the prize;
- B. if there is any question regarding the identity of the claimant;
- C. if there is any question regarding the validity of the Scratch Ticket presented for payment; or

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

2.5 Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a cash prize under \$600 from the "\$100,000 BONUS MULTIPLIER" 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 BONUS MULTIPLIER" 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. 2701. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2701 - 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 Commission.

5.0 End of the Scratch Ticket Game. The Executive Director may, at any time, announce a closing date (end date) for the Scratch Ticket Game No. 2701 without advance notice, at which point no further Scratch Tickets in that game may be sold. The determination of the closing date and reasons for closing will be made in accordance with the Scratch Ticket closing procedures and the Scratch Ticket Game Rules. See 16 TAC §401.302(j).

6.0 Governing Law. In purchasing a Scratch Ticket, the player agrees to comply with, and abide by, these Game Procedures for Scratch Ticket Game No. 2701, the State Lottery Act (Texas Government Code, Chapter 466), applicable rules adopted by the Texas Lottery pursuant to the

State Lottery Act and referenced in 16 TAC, Chapter 401, and all final decisions of the Executive Director.

TRD-202502833
Bob Biard
General Counsel
Texas Lottery Commission
Filed: August 11, 2025



North Central Texas Council of Governments

Request for Proposals for Integration and Support Services
for HOV Discount

The North Central Texas Council of Governments (NCTCOG) is issuing a Request for Proposals (RFP) to provide auto occupancy detection and verification integration and support services for the High Occupancy Vehicle (HOV) discount system in the Dallas-Fort Worth region. NCTCOG has Carma Technology Corporation under contract to provide the HOV toll discount for vehicles traveling in the Dallas-Fort Worth TEXpress Lanes during the weekday peak periods. The Go-Carma system shares vehicle occupancy data with the Texas Department of Transportation (TxDOT) and LBJ/NTE Express to verify the number of occupants within the vehicle and provide the toll discount for vehicles with two or more occupants. This RFP will hire an independent firm to provide support services for this integration.

Proposers may submit one in-hand hard copy or one in-hand flash drive of the proposal to Natalie Bettger, Senior Program Manager, North Central Texas Council of Governments, 616 Six Flags Drive, Arlington, Texas 76011. Flash drives should contain one file preferably with indexed sections. Flash drives that are unreadable or contain corrupt files will be considered non-responsive. **Proposals must be received no later than 5:00 p.m., Central Time, on Friday, September 19, 2025.** Proposals received after that time will not be considered and will be returned to the proposer unopened. The in-hand submittal will count as the official submittal. In addition to the in-hand submittal, NCTCOG will be releasing this RFP through the Bidnet Direct system and will accept electronic submissions through the system. A Bidnet Direct link will be included when the RFP is published. The Bidnet Direct submittal only will **not** be evaluated. The Request for Proposals will be available at www.nctcog.org/rfp by the close of business on **Friday, August 22, 2025.**

NCTCOG encourages participation by disadvantaged business enterprises and does not discriminate on the basis of age, race, color, religion, sex, national origin, or disability.

TRD-202502856

Todd Little

Executive Director

North Central Texas Council of Governments

Filed: August 12, 2025

Texas Real Estate Commission

Correction of Error

The Texas Real Estate Commission proposed amendments to 22 TAC §537.64 and §537.65 in the May 23, 2025 issue of the *Texas Register* (50 TexReg 3096). Due to an error by the Texas Register, the amendments were formatted incorrectly.

The amendments to §537.64 and §537.65 should read as follows:

§537.64. Standard Contract Form TREC No. 57-0 [~~OP-M~~], Non-Realty Items Addendum.

The Texas Real Estate Commission (Commission) adopts by reference standard contract form TREC No. 57-0 [~~OP-M~~] approved by the Commission in 2011 for voluntary use when the parties need to convey items of personal property not already listed in Paragraph 2, Property, of the contracts.

§537.65. Standard Contract Form TREC No. 58-0 [~~57-0~~], Notice to Prospective Buyer.

The Texas Real Estate Commission (Commission) adopts by reference standard contract form TREC No. 58-0 [~~57-0~~] approved by the Commission in 2022 for voluntary use when the parties use a contract of sale that has not been approved for mandatory use by the Commission.

TRD-202502855

Texas Department of Transportation

Public Hearing Notice - Statewide Transportation Improvement Program August 2025 Revision

The Texas Department of Transportation will hold a public hearing on Tuesday, September 9, 2025, at 10:00 a.m. to receive public comments on the proposed August 2025 Revision to the Statewide Transportation Improvement Program (STIP) for FY 2025 - 2028. The hearing will be conducted via electronic means. Instructions for accessing the hearing will be published on the department's website at: <https://www.txdot.gov/inside-txdot/get-involved/about/hearings-meetings.html>.

The STIP reflects the federally funded transportation projects in the FY 2025 - 2028 Transportation Improvement Programs (TIPs) for each Metropolitan Planning Organization (MPO) in the state. The STIP includes both state and federally funded projects for the nonattainment areas of Dallas-Fort Worth, El Paso, Houston and San Antonio. The STIP also contains information on federally funded projects in rural areas that are not included in any MPO area, and other statewide programs as listed.

Title 23, United States Code, §134 and §135 require each designated MPO and the state, respectively, to develop a TIP and STIP as a condition to securing federal funds for transportation projects under Title 23 or the Federal Transit Act (49 USC §5301, et seq.). Section 134 requires an MPO to develop its TIP in cooperation with the state and affected public transit operators and to provide an opportunity for interested parties to participate in the development of the program. Section 135 requires the state to develop a STIP for all areas of the state in cooperation with the designated MPOs and, with respect to non-metropolitan areas, in consultation with affected local officials, and further requires an opportunity for participation by interested parties as well as approval by the Governor or the Governor's designee.

A copy of the proposed August 2025 Revision to the FY 2025 - 2028 STIP will be available for review, at the time the notice of hearing is published, on the department's website at: <https://www.txdot.gov/inside-txdot/division/transportation-planning/stips.html>.

Persons wishing to speak at the hearing may register in advance by notifying Enyu Li, Transportation Planning and Programming Division, at (512) 416-2298 no later than 12:00 p.m. on Monday, September 8, 2025.

Speakers will be taken in the order registered and will be limited to three minutes. Speakers who do not register in advance will be taken at the end of the hearing. Any interested person may offer comments or testimony; however, questioning of witnesses will be reserved exclusively to the presiding authority as may be necessary to ensure a complete record. While any persons with pertinent comments or testimony will be granted an opportunity to present them during the course of the hearing, the presiding authority reserves the right to restrict testimony in terms of time or repetitive content. Groups, organizations, or associations should be represented by only one speaker. Speakers are requested to refrain from repeating previously presented testimony.

The public hearing will be conducted in English. Persons who have special communication or accommodation needs and who plan to participate in the hearing are encouraged to contact the Transportation Planning and Programming Division, at (512) 416-2298. Requests should be made at least three working days prior to the public hearing. Every reasonable effort will be made to accommodate the needs.

Interested parties who are unable to participate in the hearing may submit comments regarding the proposed August 2025 Revision to the FY 2025 - 2028 STIP to Humberto Gonzalez, P.E., Director of the Transportation Planning and Programming Division, P.O. Box 149217, Austin, Texas 78714-9217. In order to be considered, all written comments must be received at the Transportation Planning and Programming office by 4:00 p.m. on Monday, September 22, 2025.

TRD-202502790

Becky Blewett

Deputy General Counsel

Texas Department of Transportation

Filed: August 6, 2025



Texas Workforce Commission

Request for Comment Regarding the Services Performed by WorkQuest

Notice is hereby given that the Texas Workforce Commission (Commission) intends to review the services provided by the central nonprofit agency, WorkQuest, during Fiscal Year 2025, as required

by Texas Human Resources Code, §122.019(c) and the Texas Workforce Commission's Purchases of Products and Services from People with Disabilities rules under 40 Texas Administrative Code (TAC), §806.31(d). The Commission will review the WorkQuest program's performance to determine whether its performance complied with all applicable requirements during Fiscal Year 2025. The Commission requests that interested parties submit comments regarding WorkQuest's services operation of the State Use Program, under Texas Human Resources Code, §122.019 and 40 TAC Chapter 806, Subchapter C, no later than Friday, October 31, 2025.

Submit comments to Kelvin Moore at the Texas Workforce Commission, 1117 Trinity, Room 214T, Austin, Texas 78711, or via mail to purchasingfrompeoplewithdisabilities@twc.texas.gov.

TRD-202502859

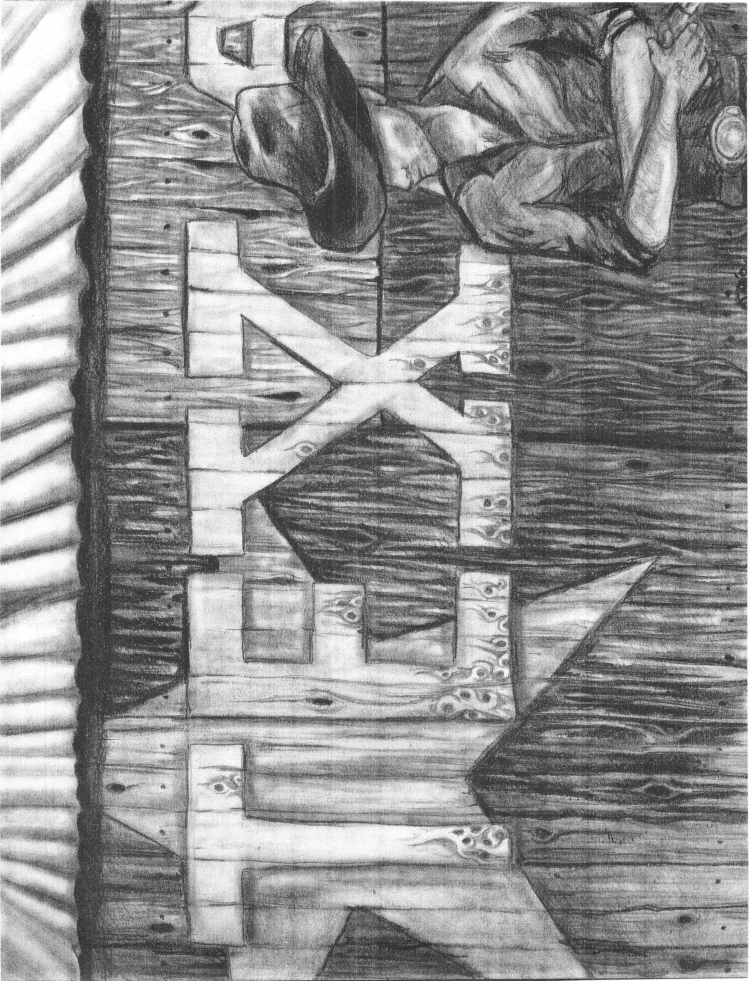
Les Trobman

General Counsel

Texas Workforce Commission

Filed: August 13, 2025





How to Use the Texas Register

Information Available: The sections of the *Texas Register* represent various facets of state government. Documents contained within them include:

Governor - Appointments, executive orders, and proclamations.

Attorney General - summaries of requests for opinions, opinions, and open records decisions.

Texas Ethics Commission - summaries of requests for opinions and opinions.

Emergency Rules - sections adopted by state agencies on an emergency basis.

Proposed Rules - sections proposed for adoption.

Withdrawn Rules - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after the proposal publication date.

Adopted Rules - sections adopted following public comment period.

Texas Department of Insurance Exempt Filings - notices of actions taken by the Texas Department of Insurance pursuant to Chapter 5, Subchapter L of the Insurance Code.

Review of Agency Rules - notices of state agency rules review.

Tables and Graphics - graphic material from the proposed, emergency and adopted sections.

Transferred Rules - notice that the Legislature has transferred rules within the *Texas Administrative Code* from one state agency to another, or directed the Secretary of State to remove the rules of an abolished agency.

In Addition - miscellaneous information required to be published by statute or provided as a public service.

Specific explanation on the contents of each section can be found on the beginning page of the section. The division also publishes cumulative quarterly and annual indexes to aid in researching material published.

How to Cite: Material published in the *Texas Register* is referenced by citing the volume in which the document appears, the words “TexReg” and the beginning page number on which that document was published. For example, a document published on page 2402 of Volume 50 (2025) is cited as follows: 50 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2 in the lower-left hand corner of the page, would be written “50 TexReg 2 issue date,” while on the opposite page, page 3, in the lower right-hand corner, would be written “issue date 50 TexReg 3.”

How to Research: The public is invited to research rules and information of interest between 8 a.m. and 5 p.m. weekdays at the *Texas Register* office, James Earl Rudder Building, 1019 Brazos, Austin. Material can be found using *Texas Register* indexes, the *Texas Administrative Code* section numbers, or TRD number.

Both the *Texas Register* and the *Texas Administrative Code* are available online at: <https://www.sos.texas.gov>. The *Texas Register* is available in an .html version as well as a .pdf version through the internet. For website information, call the Texas Register at (512) 463-5561.

Texas Administrative Code

The *Texas Administrative Code (TAC)* is the compilation of all final state agency rules published in the *Texas Register*. Following its effective date, a rule is entered into the *Texas Administrative Code*. Emergency rules, which may be adopted by an agency on an interim basis, are not codified within the TAC.

The TAC volumes are arranged into Titles and Parts (using Arabic numerals). The Titles are broad subject categories into which the agencies are grouped as a matter of convenience. Each Part represents an individual state agency.

The complete TAC is available through the Secretary of State’s website at <http://www.sos.state.tx.us/tac>.

The Titles of the TAC, and their respective Title numbers are:

1. Administration
4. Agriculture
7. Banking and Securities
10. Community Development
13. Cultural Resources
16. Economic Regulation
19. Education
22. Examining Boards
25. Health Services
28. Insurance
30. Environmental Quality
31. Natural Resources and Conservation
34. Public Finance
37. Public Safety and Corrections
40. Social Services and Assistance
43. Transportation

How to Cite: Under the TAC scheme, each section is designated by a TAC number. For example in the citation 1 TAC §91.1: 1 indicates the title under which the agency appears in the *Texas Administrative Code*; TAC stands for the *Texas Administrative Code*; §91.1 is the section number of the rule (91 indicates that the section is under Chapter 91 of Title 1; 1 represents the individual section within the chapter).

How to Update: To find out if a rule has changed since the publication of the current supplement to the *Texas Administrative Code*, please look at the *Index of Rules*.

The *Index of Rules* is published cumulatively in the blue-cover quarterly indexes to the *Texas Register*.

If a rule has changed during the time period covered by the table, the rule’s TAC number will be printed with the *Texas Register* page number and a notation indicating the type of filing (emergency, proposed, withdrawn, or adopted) as shown in the following example.

TITLE 1. ADMINISTRATION

Part 4. Office of the Secretary of State

Chapter 91. Texas Register

1 TAC §91.1.....950 (P)

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