
TEXAS REGISTER

Volume 50 Number 46

November 14, 2025

Pages 7389 – 7460



IN THIS ISSUE

GOVERNOR

Appointments7393

ATTORNEY GENERAL

Opinions7395

PROPOSED RULES

RAILROAD COMMISSION OF TEXAS

PIPELINE SAFETY REGULATIONS

16 TAC §8.2017397

TEXAS DEPARTMENT OF LICENSING AND REGULATION

FINANCIAL CRIMES INTELLIGENCE CENTER

16 TAC §§63.1 - 63.57399

TEXAS EDUCATION AGENCY

STUDENT ATTENDANCE

19 TAC §129.10317401

TEXAS DEPARTMENT OF INSURANCE, DIVISION OF WORKERS' COMPENSATION

BENEFITS--CALCULATION OF AVERAGE WEEKLY WAGE

28 TAC §§128.3, 128.5 - 128.77404

COMPTROLLER OF PUBLIC ACCOUNTS

TAX ADMINISTRATION

34 TAC §3.5867408

TEXAS BOARD OF PARDONS AND PAROLES

EXECUTIVE CLEMENCY

37 TAC §143.117410

37 TAC §143.247411

37 TAC §143.33, §143.347411

37 TAC §143.427412

37 TAC §143.54, §143.587413

37 TAC §143.72, §143.747413

37 TAC §143.817414

WITHDRAWN RULES

COMPTROLLER OF PUBLIC ACCOUNTS

PROPERTY TAX ADMINISTRATION

34 TAC §§9.5002, 9.5005, 9.5008, 9.50097417

ADOPTED RULES

TEXAS DEPARTMENT OF INSURANCE

LIFE, ACCIDENT, AND HEALTH INSURANCE AND ANNUITIES

28 TAC §3.30527419

LICENSING AND REGULATION OF INSURANCE PROFESSIONALS

28 TAC §19.17037420

28 TAC §19.20037420

GENERAL LAND OFFICE

OIL SPILL PREVENTION AND RESPONSE

31 TAC §19.6, §19.77422

31 TAC §§19.12 - 19.14, 19.207423

31 TAC §19.33, §19.347424

31 TAC §§19.51, 19.53, 19.557424

31 TAC §19.60, §19.617425

SCHOOL LAND BOARD

OPERATIONS OF THE SCHOOL LAND BOARD

31 TAC §151.17426

LAND RESOURCES

31 TAC §155.37426

COMPTROLLER OF PUBLIC ACCOUNTS

PROPERTY TAX ADMINISTRATION

34 TAC §9.5001, §9.50047427

TEXAS BOARD OF PARDONS AND PAROLES

PAROLE

37 TAC §§145.3, 145.13, 145.15, 145.187428

DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES

ADULT PROTECTIVE SERVICES

40 TAC §§705.101, 705.103, 705.1077431

40 TAC §705.3037431

40 TAC §705.5017431

40 TAC §§705.701, 705.703, 705.7057431

40 TAC §705.7027432

40 TAC §705.901, §705.9037432

40 TAC §705.11017432

40 TAC §705.13037432

40 TAC §§705.1501, 705.1503, 705.1505, 705.1507, 705.1509, 705.1511, 705.1513, 705.1515, 705.1517, 705.1519, 705.1521, 705.1523, 705.1525, 705.1527, 705.1529, 705.1531, 705.15337433

RULE REVIEW

Proposed Rule Reviews

Texas Commission on Fire Protection7435

IN ADDITION

Office of Consumer Credit Commissioner	
Notice of Rate Ceilings.....	7437
Texas Education Agency	
Request for Applications Concerning the 2026-2027 Nita M. Lowey 21st Century Community Learning Centers (CCLC), Cycle 13, Year 1 Grant Program	7437
State Board for Educator Certification	
Correction of Error.....	7438
Texas Commission on Environmental Quality	
Agreed Orders.....	7438
Combined Notice of Public Meeting and Notice of Application and Preliminary Decision for Air Quality Permits Proposed Air Quality Permit Numbers 181009, PSDTX1670, and GHGPSDTX254	7439
Enforcement Orders.....	7441
Enforcement Orders.....	7441
Notice of Availability of the Draft 2026 Texas Integrated Report of Surface Water Quality for the Federal Clean Water Act, §305(b) and §303(d).....	7443
Notice of Correction to Agreed Order Number 10	7443
Notice of District Petition - D-09292025-041	7443
Notice of Public Meeting and Proposed Renewal with Amendment of General Permit TXR050000 Authorizing the Discharge of Stormwater Associated with Industrial Activities.....	7444
Update to the Water Quality Management Plan (WQMP)	7445
Texas Facilities Commission	
Request for Proposals #303-7-20819.....	7445
General Land Office	
Notice and Opportunity to Comment on Requests for Consistency Agreement/Concurrence Under the Texas Coastal Management Program	7446
Surveying Services Coastal Boundary Survey	7447
Texas Health and Human Services Commission	
Criminal History Requirements for Child Care Operations	7447
Notice of Public Hearing on Proposed Medicaid Payment Rate Actions for Medicaid Community Hospice, Effective Retroactive to October 1, 2025.	7447
Department of State Health Services	
Licensing Actions for Radioactive Materials	7448
Schedules of Controlled Substances	7454
Texas Department of Insurance	
Company Licensing	7454
Texas Department of Licensing and Regulation	
Scratch Ticket Game Number 2742 "\$500 FRENZY"	7454
Texas Board of Physical Therapy Examiners	
Correction of Error.....	7459
Texas Department of Transportation	
Request for Proposals - Traffic Safety Program	7459

THE GOVERNOR

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

Appointments

Appointments for October 30, 2025

Appointed as Judge of the 503rd Judicial District, Rockwall County, effective December 1, 2025, for a term to expire December 31, 2026, or until his successor shall be duly elected and qualified, John B. "Brian" Williams of Rockwall, Texas.

Appointed as Judge of the 286th Judicial District, Cochran and Hockley Counties, for a term to expire December 31, 2026, or until her successor shall be duly elected and qualified, Anna D. Hord of Levelland, Texas. (replacing Judge Jay M. "Pat" Phelan of Levelland who resigned).

Appointments for October 31, 2025

Appointed as Judge of the 173rd Judicial District, Henderson County, for a term to expire December 31, 2026, or until his successor shall be duly elected and qualified, Clinton J. "Clint" Davis of Malakoff, Texas. (replacing Judge Willis D. "Dan" Moore of Athens who resigned).

Appointments for November 3, 2025

Appointed to the Family Practice Residency Advisory Committee for a term to expire August 29, 2028, Alicia M. Cantrell of Houston, Texas (Ms. Cantrell is being reappointed).

Appointed to the Texas Medical Board District Three Review Committee for a term to expire January 15, 2026, Sharon E. Carr of Canadian, Texas (replacing Michael N. Burley of Southlake who resigned).

Appointed to the Texas Medical Board District Three Review Committee for a term to expire January 15, 2028, Mark S. Edwards, M.D. of Sonora, Texas (replacing Celeste Caballero, M.D. of Lubbock who resigned).

Appointed to the Texas Medical Board District Four Review Committee for a term to expire January 15, 2030, David L. Lindzey, M.D. of Spicewood, Texas (replacing Mary K. "Kelly" Green, M.D. of Marble Falls who resigned).

Appointments for November 4, 2025

Appointed as the Presiding Officer to the Texas Commission on Marriage and Family for a term to expire December 31, 2026, Carl R. Caton of New Braunfels, Texas.

Appointed to the Texas Commission on Marriage and Family for a term to expire December 31, 2026, Michael A. Hiller of Lakeway, Texas.

Appointed to the Texas Commission on Marriage and Family for a term to expire December 31, 2026, Robert A. "Bob" Pearle, D.Min. of Aledo, Texas.

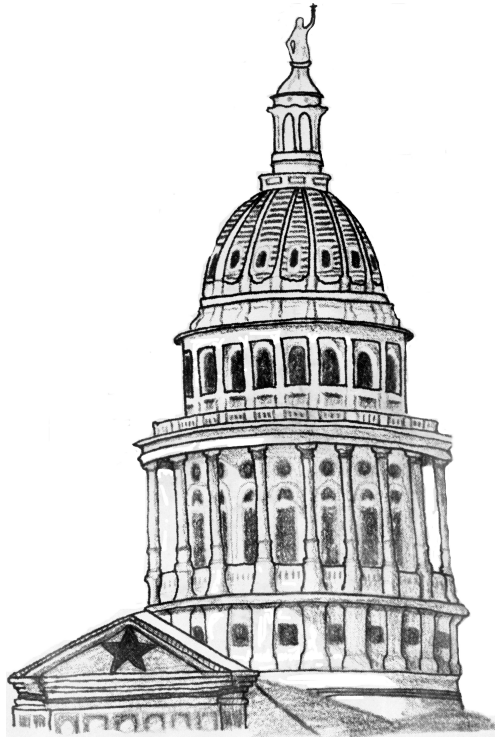
Appointed to the Texas Historical Records Advisory Board for a term to expire February 1, 2027, Elizabeth W. Factor of Austin, Texas (replacing Melinda L. Cowen of Beeville whose term expired).

Appointed to the Texas Historical Records Advisory Board for a term to expire February 1, 2029, Diane J. "Jelain" Chubb of Austin, Texas (Ms. Chubb is being reappointed).

Greg Abbott, Governor

TRD-202503991





THE ATTORNEY GENERAL

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

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

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

Opinions

Opinion No. KP-0501

The Honorable Glen Harwood
142nd Judicial District Attorney
500 North Loraine Street, Suite 200
Midland, Texas 79701

Re: The carrying of concealed firearms in courtrooms by the District Attorney and Assistant District Attorneys under Texas Penal Code § 46.15(a)(6) and (a)(7) (RQ-0598-KP)

S U M M A R Y

While the judiciary possesses broad authority over courtrooms, that authority does not license a categorical prohibition on lawful forms of concealed carry by individuals - like district attorneys and their assistants - who are expressly exempted from Texas Penal Code sections 46.02 and 46.03.

Opinion No. KP-0502

Ms. Gloria Meraz
Director and Librarian
Texas State Library and Archives Commission

Post Office Box 12927

Austin, Texas 78711-2927

Re: Whether juvenile criminal case records constitute permanent records under Chapter 58 of the Family Code (RQ-0576-KP)

S U M M A R Y

The Government Code and the Local Government Records Act assign complimentary roles for local governments and TSLAC regarding local government records. The Juvenile Justice Code authorizes specific individuals and entities to destroy certain categories of juvenile records, and a county clerk or district clerk may destroy juvenile case papers pursuant to a local government's records control schedule that complies with TSLAC's records retention schedule.

For further information, please access the website at www.texasattorneygeneral.gov or call the Opinion Committee at (512) 463-2110.

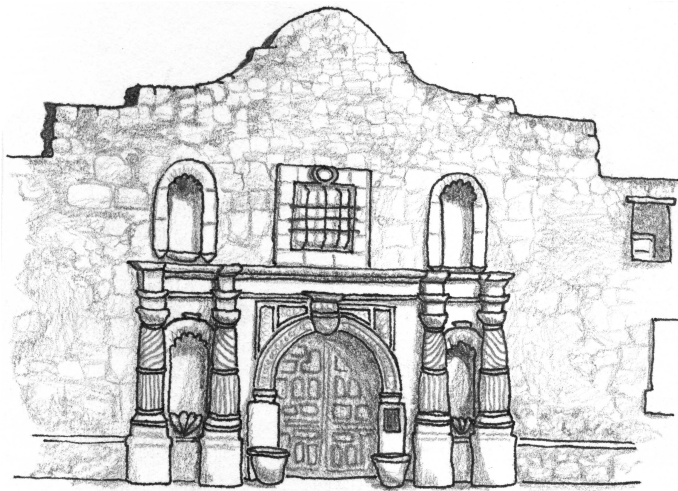
TRD-202503985

Justin Gordon
General Counsel

Office of the Attorney General

Filed: November 4, 2025





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 16. ECONOMIC REGULATION

PART 1. RAILROAD COMMISSION OF TEXAS

CHAPTER 8. PIPELINE SAFETY REGULATIONS

SUBCHAPTER C. REQUIREMENTS FOR GAS PIPELINES ONLY

16 TAC §8.201

The Railroad Commission of Texas proposes amendments to §8.201, relating to Pipeline Safety and Regulatory Program Fees, to implement House Bill 4042, 89th Texas Legislature (Regular Session, 2025). The bill removes the specification that gas must be natural gas with respect to gas distribution pipelines, gas master-metered pipelines, gas distribution systems, and gas master-metered systems whose operators may be subject to annual pipeline safety and regulatory fees.

The Commission proposes amendments throughout the rule to remove the word "natural" from the rule text.

Stephanie Weidman, Pipeline Safety Director, Oversight and Safety Division, has determined there will be no cost to the Commission as a result of the proposed amendments. Ms. Weidman has determined that for the first five years the amendments will be in effect, there will be no fiscal implications for local governments as a result of enforcing the amendments.

Ms. Weidman has also determined that the public benefit anticipated as a result of enforcing or administering the amendments will ensure consistency with Texas statutes.

Ms. Weidman has determined that for each year of the first five years that the amendments will be in effect, there will be minimal additional economic costs for persons required to comply as a result of Commission adoption of the proposed amendments, namely the affected propane distribution operators. The Commission's most recent information from the calendar year 2024 annual reports indicate there are eight distribution operators with a total of 18,838 service lines; if those operators were paying the fee, the cost would be \$18,838.

In accordance with Texas Government Code, §2006.002, the Commission has determined there will be no adverse economic effect on rural communities, small businesses or micro-businesses resulting from the proposed amendments; although some affected distribution operators may meet the definition of small business under §2006.001, any costs they incur under the amendments may be recovered from their customers pursuant to subsection (b)(3) of this rule; therefore, the Commission has

not prepared the economic impact statement or the regulatory flexibility analysis required under §2006.002.

The Commission has determined that the proposed rulemaking will not affect a local economy; therefore, pursuant to Texas Government Code, §2001.022, the Commission is not required to prepare a local employment impact statement for the proposed rule.

The Commission has determined that the proposed amendments do not meet the statutory definition of a major environmental rule as set forth in Texas Government Code, §2001.0225; therefore, a regulatory analysis conducted pursuant to that section is not required.

During the first five years that the rule would be in effect, the proposed amendments would not: create or eliminate a government program; create or eliminate any employee positions; require an increase or decrease in future legislative appropriations; increase fees paid to the agency; create a new regulation; increase or decrease the number of individuals subject to the rule's applicability; expand, limit, or repeal an existing regulation; or affect the state's economy.

Comments on the proposal may be submitted to Rules Coordinator, Office of General Counsel, Railroad Commission of Texas, P.O. Box 12967, Austin, Texas 78711-2967; online at www.rrc.texas.gov/general-counsel/rules/comment-form-for-proposed-rulemakings; or by electronic mail to rulescoordinator@rrc.texas.gov. The Commission will accept comments until 5:00 p.m., on Monday, December 15, 2025. The Commission finds that this comment period is reasonable because the proposal and an online comment form will be available on the Commission's web site more than two weeks prior to *Texas Register* publication of the proposal, giving interested persons additional time to review, analyze, draft, and submit comments. The Commission encourages all interested persons to submit comments no later than the deadline. The Commission cannot guarantee that comments submitted after the deadline will be considered. For further information, call Ms. Weidman at (512) 463-2519. The status of Commission rulemakings in progress is available at www.rrc.texas.gov/general-counsel/rules/proposed-rules. Once received, all comments are posted on the Commission's website at <https://rrc.texas.gov/general-counsel/rules/proposed-rules/>. If you submit a comment and do not see the comment posted at this link within three business days of submittal, please call the Office of General Counsel at (512) 463-7149. The Commission has safeguards to prevent emailed comments from getting lost; however, your operating system's or email server's settings may delay or prevent receipt.

The Commission proposes the amendments under Texas Natural Resources Code, §81.051 and §81.052, which give the

Commission jurisdiction over all common carrier pipelines in Texas, persons owning or operating pipelines in Texas, and their pipelines and oil and gas wells, and authorize the Commission to adopt all necessary rules for governing and regulating persons and their operations under the jurisdiction of the Commission; and Texas Utilities Code, §121.201, §121.211, §121.213, and §121.214, which authorize the Commission to adopt and collect pipeline safety and regulatory program fees.

Statutory authority: Texas Natural Resources Code, §81.051, §81.052; and Texas Utilities Code, §121.201, §121.211; §121.213, §121.214.

Cross-reference to statute: Texas Natural Resources Code, Chapter 81; and Texas Utilities Code, Chapter 121.

§8.201. *Pipeline Safety and Regulatory Program Fees.*

(a) Application of fees. Pursuant to Texas Utilities Code, §121.211, the Commission establishes a pipeline safety and regulatory program fee, to be assessed annually against operators of [natural] gas distribution pipelines and pipeline facilities and [natural] gas master metered pipelines and pipeline facilities subject to the Commission's jurisdiction under Texas Utilities Code, Title 3. The total amount of revenue estimated to be collected under this section does not exceed the amount the Commission estimates to be necessary to recover the costs of administering the pipeline safety and regulatory programs under Texas Utilities Code, Title 3, excluding costs that are fully funded by federal sources for any fiscal year.

(b) Gas [Natural gas] distribution systems. The Commission hereby assesses each operator of a [natural] gas distribution system an annual pipeline safety and regulatory program fee of \$1.00 for each service (service line) in service at the end of each calendar year as reported by each system operator on the U.S. Department of Transportation (DOT) Gas Distribution Annual Report, Form PHMSA F7100.1-1 due on March 15 of each year.

(1) Each operator of a [natural] gas distribution system shall calculate the annual pipeline safety and regulatory program total to be paid to the Commission by multiplying the \$1.00 fee by the number of services listed in Part B, Section 3, of Form PHMSA F7100.1-1, due on March 15 of each year.

(2) Each operator of a [natural] gas distribution system shall remit to the Commission on March 15 of each year the amount calculated under paragraph (1) of this subsection. Payments shall be made using the Commission's online application available on the Commission's website.

(3) Each operator of a [natural] gas distribution system shall recover, by a surcharge to its existing rates, the amount the operator paid to the Commission under paragraph (1) of this subsection. The surcharge:

(A) shall be a flat rate, one-time surcharge;

(B) shall not be billed before the operator remits the pipeline safety and regulatory program fee to the Commission;

(C) shall be applied in the billing cycle or cycles immediately following the date on which the operator paid the Commission;

(D) shall not exceed \$1.00 per service or service line; and

(E) shall not be billed to a state agency, as that term is defined in Texas Utilities Code, §101.003.

(4) No later than 90 days after the last billing cycle in which the pipeline safety and regulatory program fee surcharge is billed to

customers, each operator of a [natural] gas distribution system shall file with the Commission's Oversight and Safety Division a report showing:

(A) the pipeline safety and regulatory program fee amount paid to the Commission;

(B) the unit rate and total amount of the surcharge billed to each customer;

(C) the date or dates on which the surcharge was billed to customers; and

(D) the total amount collected from customers from the surcharge.

(5) Each operator of a [natural] gas distribution system that is a utility subject to the jurisdiction of the Commission pursuant to Texas Utilities Code, Chapters 101 - 105, shall file a generally applicable tariff for its surcharge in conformance with the requirements of §7.315 of this title (relating to Filing of Tariffs).

(6) Amounts recovered from customers under this subsection by an investor-owned [natural] gas distribution system or a cooperatively owned [natural] gas distribution system shall not be included in the revenue or gross receipts of the system for the purpose of calculating municipal franchise fees or any tax imposed under Subchapter B, Chapter 182, Tax Code, or under Chapter 122, nor shall such amounts be subject to a sales and use tax imposed by Chapter 151, Tax Code, or Subtitle C, Title 3, Tax Code.

(c) Master [Natural gas master] meter systems. The Commission hereby assesses each [natural gas] master meter system an annual pipeline safety and regulatory program fee of \$100 per master meter system.

(1) Each operator of a [natural gas] master meter system shall remit to the Commission the annual pipeline safety and regulatory program fee of \$100 per master meter system no later than June 30 of each year. Payments shall be made using the Commission's online application available on the Commission's website.

(2) The Commission shall send an invoice to each affected [natural gas] master meter system operator no later than April 30 of each year as a courtesy reminder. The failure of a [natural gas] master meter system operator to receive an invoice shall not exempt the [natural gas] master meter system operator from its obligation to remit to the Commission the annual pipeline safety and regulatory program fee on June 30 each year.

(3) Each operator of a [natural gas] master meter system shall recover as a surcharge to its existing rates the amounts paid to the Commission under paragraph (1) of this subsection.

(4) No later than 90 days after the last billing cycle in which the pipeline safety and regulatory program fee surcharge is billed to customers, each [natural gas] master meter system operator shall file with the Oversight and Safety Division a report showing:

(A) the pipeline safety and regulatory program fee amount paid to the Commission;

(B) the unit rate and total amount of the surcharge billed to each customer;

(C) the date or dates on which the surcharge was billed to customers; and

(D) the total amount collected from customers from the surcharge.

(d) Late payment penalty. If the operator of a [natural] gas distribution system or a [natural gas] master meter system does not

remit payment of the annual pipeline safety and regulatory program fee to the Commission within 30 days of the due date, the Commission shall assess a late payment penalty of 10 percent of the total assessment due under subsection (b) or (c) of this section, as applicable, and shall notify the operator of the total amount due to the Commission.

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

Filed with the Office of the Secretary of State on October 28, 2025.

TRD-202503907

Olivia Alland

Attorney, Office of General Counsel

Railroad Commission of Texas

Earliest possible date of adoption: December 14, 2025

For further information, please call: (512) 475-1295



PART 4. TEXAS DEPARTMENT OF LICENSING AND REGULATION

CHAPTER 63. FINANCIAL CRIMES INTELLIGENCE CENTER

16 TAC §§63.1 - 63.5

The Texas Department of Licensing and Regulation (Department) proposes new rules at 16 Texas Administrative Code (TAC), Chapter 63, §§63.1 - 63.5, regarding the Financial Crimes Intelligence Center. These proposed changes are referred to as "proposed rules."

EXPLANATION OF AND JUSTIFICATION FOR THE RULES

The rules under 16 TAC, Chapter 63, implement Texas Business and Commerce Code Chapter 607A, Payment Card Skimmers on Electronic Terminals.

The proposed rules implement Senate Bill (SB) 2371, 89th Legislature, Regular Session (2025) which requires merchants to report skimmers on electronic terminals to law enforcement and the Financial Crimes Intelligence Center (FCIC). In these proposed rules, electronic terminals are certain electronic devices, such as point-of-sale terminals, that consumers use to conduct transactions. Skimmers are devices that criminals place on or in electronic terminals and are capable of unlawfully intercepting electronic communications or data to commit fraud. The proposed rules are necessary to establish the procedures merchants must follow when reporting a skimmer to the FCIC and removing the skimmer from electronic terminals.

SECTION-BY-SECTION SUMMARY

The proposed rules create §63.1, Authority. This new rule identifies the authority under which the rules are created.

The proposed rules create §63.2, Definitions. This new rule adds definitions for "Center," "Electronic Terminal," "Merchant," and "Skimmer." The proposed rule in this section establishes what electronic terminals and skimmers are and who is considered a merchant subject to the rules.

The proposed rules create §63.3, Merchant Duties Upon Skimmer Discovery. This new rule sets out what merchants must do

when they discover, or are notified, of a skimmer on an electronic device. The proposed subsection (a) lists the actions a merchant must take upon discovery of a skimmer. Proposed subsection (b) requires merchants to cooperate with law enforcement and the FCIC in the investigation of a suspected or discovered skimmer.

The proposed rules create §63.4, Unauthorized Removal of Skimmers Prohibited. This new rule controls the removal of skimmers by merchants. The proposed subsection (a) specifies the conditions under which merchants may remove skimmers from electronic terminals. Proposed subsection (b) allows merchants to remove skimmers 24 hours after reporting the skimmer if law enforcement or the FCIC has not arrived to remove the skimmer. Proposed subsection (c) sets the procedure that a merchant who is removing a skimmer must follow in order to preserve evidence.

The proposed rules create §63.5, Administrative Sanctions and Penalties. This new rule establishes that violations of Texas Business and Commerce Code, Chapter 607A, this chapter, or any other rule or order may result in penalties and/or sanctions.

FISCAL IMPACT ON STATE AND LOCAL GOVERNMENT

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

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

Mr. Couvillon has determined that for each year of the first five years the proposed rules are in effect, enforcing or administering the proposed rules does not have foreseeable implications relating to costs or revenues of local governments.

LOCAL EMPLOYMENT IMPACT STATEMENT

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

PUBLIC BENEFITS

Mr. Couvillon also has determined that for each year of the first five-year period the proposed rules are in effect, the public benefit will be increased protection by requiring that all discovered skimmers are dealt with consistently and appropriately, which may reduce the financial losses due to skimmer fraud. Merchants are required to report the discovery of skimmers to the FCIC and law enforcement. As a result of reporting, the FCIC will be able to conduct skimmer investigations to ensure that additional skimmers are not present at the retail location.

PROBABLE ECONOMIC COSTS TO PERSONS REQUIRED TO COMPLY WITH PROPOSAL

Mr. Couvillon has determined that for each year of the first five-year period the proposed rules are in effect, there are no anticipated economic costs to persons who are required to comply with the proposed rules.

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

There will be no adverse economic effect on small businesses, micro-businesses, or rural communities as a result of the proposed rules. Because the agency has determined that the proposed rule will have no adverse economic effect on small businesses, micro-businesses, or rural communities, preparation of an Economic Impact Statement and a Regulatory Flexibility Analysis, as detailed under Texas Government Code §2006.002, is not required.

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

The proposed rules do not have a fiscal note that imposes a cost on regulated persons, including another state agency, a special district, or a local government. Therefore, the agency is not required to take any further action under Texas Government Code §2001.0045.

GOVERNMENT GROWTH IMPACT STATEMENT

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

1. The proposed rules do not create or eliminate a government program.
2. Implementation of the proposed rules does not require the creation of new employee positions or the elimination of existing employee positions.
3. Implementation of the proposed rules does not require an increase or decrease in future legislative appropriations to the agency.
4. The proposed rules do not require an increase or decrease in fees paid to the agency.
5. The proposed rules create a new regulation. These new regulations are necessary to implement Senate Bill 2371 (Tex. 89th Leg., R.S. 2025).
6. The proposed rules do not expand, limit, or repeal an existing regulation.
7. The proposed rules do not increase or decrease the number of individuals subject to the rules' applicability.
8. The proposed rules do not positively or adversely affect this state's economy.

TAKINGS IMPACT ASSESSMENT

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

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

The Department is requesting public comments on the proposed rules and information related to the cost, benefit, or effect of the proposed rules, including any applicable data, research, or analysis. Any information that is submitted in response to this request

must include an explanation of how and why the submitted information is specific to the proposed rules. Please do not submit copyrighted, confidential, or proprietary information.

Comments on the proposed rules and responses to the request for information may be submitted electronically on the Department's website at https://ga.tdlr.texas.gov:1443/form/Ch63_Rule_Making; by facsimile to (512) 475-3032; or by mail to Shamica Mason, Legal Assistant, Texas Department of Licensing and Regulation, P.O. Box 12157, Austin, Texas 78711. The deadline for comments is 30 days after publication in the *Texas Register*.

STATUTORY AUTHORITY

The proposed rules are proposed under Texas Occupations Code, Chapter 51, which authorizes the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement that chapter and any other law establishing a program regulated by the Department. The proposed rules are also proposed under Texas Business and Commerce Code Chapter 607A.

The statutory provisions affected by the proposed rules are those set forth in Texas Occupations Code, Chapters 51 and Texas Business and Commerce Code Chapter 607A. No other statutes, articles, or codes are affected by the proposed rules.

The legislation that enacted the statutory authority under which the proposed rules are proposed to be adopted is Senate Bill 2371, 89th Legislature, Regular Session (2025).

§63.1. Authority.

This chapter is promulgated under the authority of Texas Business and Commerce Code, Chapter 607A, and Texas Government Code, Chapter 426.

§63.2. Definitions.

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

(1) Center--The Financial Crimes Intelligence Center established by Texas Government Code, Chapter 426.

(2) Electronic Terminal--This term has the meaning assigned by Texas Business and Commerce Code §607A.001 and does not include motor fuel metering devices as defined by Texas Occupations Code §2310.001 or motor fuel unattended payment terminals as defined by Texas Business and Commerce Code §607.001.

(3) Merchant--This term has the meaning assigned by Texas Business and Commerce Code §2.104(a).

(4) Skimmer--A wire or electronic device capable of unlawfully intercepting electronic communications or data to perpetrate fraud as defined by Texas Business and Commerce Code §607A.001.

§63.3. Merchant Duties Upon Skimmer Discovery.

(a) A merchant who discovers or is notified of a skimmer in or on an electronic terminal shall:

(1) immediately make a report to law enforcement of the discovery or notification of the skimmer;

(2) immediately disable the affected electronic terminal and block public access to the electronic terminal until the skimmer has been removed in accordance with §63.4; and

(3) within 24 hours of discovering or being notified of the skimmer, notify the Center using the secure portal on its website, <https://fcic.texas.gov>.

(b) A merchant must cooperate with law enforcement and the Center in the investigation of a suspected or discovered skimmer.

§63.4. Unauthorized Removal of Skimmers Prohibited.

(a) Unless instructed to do so by law enforcement or the Center, a merchant may not remove a skimmer from an electronic terminal except as authorized by subsection (b).

(b) A merchant may remove a skimmer from an electronic terminal if:

(1) The merchant has complied with the requirements of §63.3(a);

(2) More than 24 hours have passed since the merchant notified the Center of the skimmer pursuant to §63.3(a)(3);

(3) Neither law enforcement nor the Center has visited the location to remove the skimmer; and

(4) The merchant follows the removal and transfer procedures outlined in subsection (c).

(c) If removing a skimmer pursuant to subsection (b), a merchant must:

(1) Take photographs or a video recording showing the device situated in the electronic terminal, and of the removal process;

(2) Wear sterile gloves while removing the skimmer;

(3) Place and seal the skimmer in a clear container or bag labeled with the date and time of removal, the full name of the individual removing the skimmer, and the law enforcement case or report number;

(4) Deliver the skimmer to law enforcement; and

(5) Report removal of the skimmer to the Center using the secure portal on its website, <https://fcic.texas.gov>.

§63.5. Administrative Sanctions and Penalties.

If a person or entity violates any provision of Texas Business and Commerce Code, Chapter 607A, this chapter, or any rule or order of the executive director or commission, proceedings may be instituted to impose administrative penalties, administrative sanctions, or both in accordance with the provisions of Texas Business and Commerce Code, Chapter 607A, Texas Occupations Code, Chapter 51, and any associated rules.

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 November 3, 2025.

TRD-202503973

Doug Jennings

General Counsel

Texas Department of Licensing and Regulation

Earliest possible date of adoption: December 14, 2025

For further information, please call: (512) 300-8334



TITLE 19. EDUCATION

PART 2. TEXAS EDUCATION AGENCY

CHAPTER 129. STUDENT ATTENDANCE

SUBCHAPTER AA. COMMISSIONER'S RULES

19 TAC §129.1031

The Texas Education Agency (TEA) proposes an amendment to §129.1031, concerning student attendance. The proposed amendment would clarify student eligibility and attendance reporting for off-campus programs and expand the list of entities that may provide those programs.

BACKGROUND INFORMATION AND JUSTIFICATION: Section 129.1031 explains student and funding eligibility for off-campus programs.

The proposed amendment to §129.1031(a) would update the statutory authority from Texas Education Code (TEC), §42.0052 to §48.005(g-1) and §48.007.

New subsection (b) would expand the types of entities that can provide off-campus instructional programs eligible for course credit. In addition to existing provisions, it would include career and technical education providers, student internships, project-based research opportunities, work-based learning opportunities, private schools accredited by recognized accrediting entities, community-based child-care providers meeting criteria under TEC, §29.153, and other off-campus instructional entities approved by the school district.

New subsection (c) would add eligibility criteria required for a student to participate in an off-campus program.

New subsection (c)(1) would add eligibility criteria needed for students participating in off-campus programs provided by institutions of higher education.

New subsection (c)(1)(A) would state that eligible students must have parental approval for the specific program unless they are 18 or older.

New subsection (c)(2) would add criteria that students participating in an off-campus program not provided by an institution of higher education must meet.

New subsection (c)(2)(A) would add that students need to have parental approval for the specific program unless they are 18 or older.

New subsection (c)(2)(B) would add that students must meet the eligibility requirements adopted by a school district or open-enrollment charter school for participation in off-campus programs.

The proposed amendment to subsection (d)(1) would clarify language to include students participating part time in an off-campus program.

New subsection (d)(2) would be added to explain that, for students enrolled full time in an off-campus program, the school district or charter school would set a specific time to take attendance in coordination with the program. The district or charter would also have the flexibility to choose a different attendance time for certain student groups separate from the district's usual schedule.

The proposed amendment to subsection (d)(3) would specify that alternate attendance-taking times may not be changed once they are selected unless permitted by TEA.

The proposed amendment to subsection (e) would remove the term "college" and replace it with broader language concerning any entity providing an off-campus program.

New subsection (e)(1) would be added to state that the school district or charter school is responsible for ensuring that any approved off-campus program complies with all applicable requirements set by the TEC or other relevant authorities.

New subsection (e)(1)(A) would be added to include student enrollment requirements.

New subsection (e)(1)(B) would be added to include assessments required by provisions of TEC, Chapter 39.

New subsection (e)(2) would be added to specify requirements for attendance and assessment and accountability purposes.

New subsection (e)(2)(A) would be added to require a student participating part time in an off-campus program to remain enrolled in their district or charter school campus.

New subsection (e)(2)(B) would be added to require a student participating full time in an off-campus program to be enrolled in a campus with a county district campus number (CDCN) established by the school district or charter school to fulfill serving full-time students under this section. A CDCN may be granted for one or more off-campus providers. An application for a new CDCN for a full-time off-campus program must meet all requirements for new CDCNs.

New subsection (e)(2)(B)(i) would be added to indicate that, if performance of the full-time program results in the revocation of the CDCN for discretionary or mandatory reasons under TEC, Chapter 39A, and other statutes, a school district or charter school is not eligible for funding under this section under the revoked CDCN until TEA reauthorizes the school district or charter school to receive a CDCN for that off-campus provider to serve full-time students.

New subsection (e)(2)(B)(ii) would be added to indicate charter schools must also meet expansion criteria and receive approval for an additional campus prior to requesting a new CDCN for a full-time off-campus program.

New subsection (e)(2)(C) would be added to authorize a full-time off-campus program to operate without a separate CDCN if the number of students enrolled in a full-time off-campus programs will not meet the threshold to generate an accountability rating for the campus. A district or charter school operating a full-time off-campus program must enroll these students in an existing campus.

New subsection (e)(3) would be added indicating revocation of eligibility of a district or charter school to receive funding if the commissioner determines the performance or health and safety of students participating in the program is no longer satisfactory.

FISCAL IMPACT: Marian Schutte, deputy associate commissioner for authorizing and policy, has determined that for the first five-year period the proposal is in effect, there are no additional costs to state or local government, including school districts and open-enrollment charter schools, required to comply with the proposal.

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

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: The proposal has no direct adverse economic

impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis, specified in Texas Government Code, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, §2001.0045.

TAKINGS IMPACT ASSESSMENT: The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under Texas Government Code, §2007.043.

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would expand an existing regulation by expanding the list of entities that may provide off-campus programs.

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

PUBLIC BENEFIT AND COST TO PERSONS: Ms. Schutte has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be to provide school districts with clarifications on attendance reporting for off-campus programs, expand the types of programs eligible to offer off-campus learning opportunities, and explain student eligibility requirements. There is no anticipated economic cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: The proposal would have no data or reporting impact.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: TEA has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: TEA requests public comments on the proposal, including, per Texas Government Code, §2001.024(a)(8), information related to the cost, benefit, or effect of the proposed rule and any applicable data, research, or analysis, from any person required to comply with the proposed rule or any other interested person. The public comment period on the proposal begins November 14, 2025, and ends December 15. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on November 14, 2025. A form for submitting public comments is available on the TEA website at [https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_\(TAC\)/Proposed_Commissioner_of_Education_Rules/](https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_(TAC)/Proposed_Commissioner_of_Education_Rules/).

STATUTORY AUTHORITY. The amendment is proposed under Texas Education Code (TEC), §48.005(g-1), which requires the commissioner to adopt rules to calculate average daily attendance for students in a blended learning programs where instruc-

tion is supplemented with learning opportunities, including internships, externships, and apprenticeships; and TEC, §48.007, which requires the commissioner to adopt verification and reporting procedures concerning time spent by students participating in instructional programs provided off campus by an entity other than a school district or an open-enrollment charter school.

CROSS REFERENCE TO STATUTE. The amendments implement Texas Education Code, §48.005(g-1) and §48.007.

§129.1031. *Reporting Off-Campus Programs.*

(a) In accordance with ~~the~~ Texas Education Code (TEC), §48.005(g-1) and §48.007 [~~§42.0052~~], a board of trustees of a school district or a governing body of a charter holder may adopt a policy that allows a student to participate in an off-campus instructional program.

(b) Off-campus instructional programs shall be provided ~~The program must be provided only~~ by:

(1) an institution of higher education that is accredited by one of the regional accrediting associations specified in §74.25 of this title (relating to High School Credit for College Courses);

(2) an entity providing career and technical education courses;

(3) an entity providing student internships;

(4) an entity providing project-based research opportunities;

(5) an entity providing other work-based learning opportunities;

(6) a private school accredited by an entity recognized by the commissioner of education as an accrediting entity for private schools in Texas;

(7) a community-based child-care provider who meets criteria established in TEC, §29.153; or

(8) other off-campus education instruction entities that the district permits to provide course credit for students.

(c) ~~[(b)]~~ To be eligible to participate in an off-campus program, a student must meet the following eligibility criteria. ~~[:]~~

(1) Students participating in an off-campus program provided by an institution of higher education must:

~~[(4)]~~ [be in Grade 11 or 12;]

(A) unless they are 18 years of age or older, have parental approval for the specific off-campus program;

(B) ~~[(2)]~~ have demonstrated college readiness as outlined in the requirements for participation in dual credit programs in the student attendance accounting handbook adopted under §129.1025 of this title (relating to Adoption by Reference: Student Attendance Accounting Handbook);

(C) ~~[(3)]~~ meet any eligibility requirements adopted by the institution of higher education specified in §74.25 of this title; and

(D) ~~[(4)]~~ have the approval of the high school principal or other school official designated by the school district or open-enrollment charter school.

(2) Students participating in an off-campus program not provided by an institution of higher education must:

(A) unless they are 18 years of age or older, have parental approval for the specific off-campus program; and

(B) meet any eligibility requirements adopted by the school district or open-enrollment charter school for participation in off-campus programs.

(d) ~~[(e)]~~ Funding eligibility for a student participating in an off-campus program will include time instructed in the off-campus program.

(1) For students participating part time in an off-campus program, a [A] campus may choose an alternate attendance-taking time for a group of students that is scheduled to be off-campus during the regular attendance-taking time. The alternate attendance-taking time will be in effect for the period of days or weeks for which the group is scheduled to be off-campus during the regular attendance-taking time (for example, for the semester or for the duration of employment).

(2) For students participating full time in an off-campus program, a school district or open-enrollment charter school in collaboration with an off-campus program shall establish a regular attendance-taking time. The school district or charter school may choose an alternate attendance-taking time for a group of students that differs from the district or charter school's regular attendance-taking time.

(3) Unless otherwise permitted by the Texas Education Agency (TEA), this [This] alternate attendance-taking time may not be changed once it is selected for a particular group of students.

(4) If attendance is taken at an off-campus location, the school district must ensure that attendance is taken in accordance with the student attendance accounting handbook adopted under §129.1025 of this title.

(e) ~~[(d)]~~ For a school district or an open-enrollment charter school to receive Foundation School Program funding for a student participating in an off-campus program under this section, the district or charter school must have documentation of an agreement between the district or charter school and the entity providing the off-campus program ~~[college].~~

(1) The school district or open-enrollment charter school is responsible for ensuring the off-campus program approved under this section complies with any requirements that the TEC or other applicable authority requires that apply for an off-campus program, including, but not limited to:

(A) student enrollment requirements; and

(B) assessments as required by provisions of TEC, Chapter 39;

(2) For attendance and assessment and accountability purposes:

(A) students participating part time in an off-campus program shall remain enrolled in their district or charter school campus; and

(B) except as authorized by subparagraph (C) of this paragraph, students participating full time in an off-campus program shall be enrolled in a campus with a county district campus number (CDCN) established by the school district or charter school for the sole purpose of serving full-time students under this section. A CDCN may be granted for one or more off-campus providers. An application for a new CDCN for a full-time off-campus program must meet all requirements for new CDCNs set forth by TEA.

(i) If performance of the full-time program results in the revocation of the CDCN, for discretionary or mandatory reasons under TEC, Chapter 39A, and other statutes, a school district or charter school is not eligible for funding under this section under the revoked CDCN until TEA reauthorizes the school district or charter school to

receive a CDCN for that off-campus provider to serve full-time students.

(ii) Charter schools must also meet expansion criteria and receive approval for an additional campus prior to requesting a new CDCN for a full-time off-campus program.

(C) TEA may authorize a full-time off-campus program to operate without a separate CDCN as required by subparagraph (B) of this paragraph if the number of students enrolled in a full-time off-campus program will not meet the threshold to generate an accountability rating for the campus. A school district or charter school operating a full-time off-campus program must enroll these students in an existing campus.

(3) The commissioner may revoke the eligibility of a school district or charter school to receive funding under this section if the commissioner determines the performance or health and safety of students participating in the off-campus program is no longer satisfactory.

[(e) The off-campus program approved under this section must comply with rules adopted by the Texas Higher Education Coordinating Board in the Texas Administrative Code, Title 19, Part 1, with respect to teacher qualifications.]

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 November 3, 2025.

TRD-202503975

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Earliest possible date of adoption: December 14, 2025

For further information, please call: (512) 475-1497



TITLE 28. INSURANCE

PART 2. TEXAS DEPARTMENT OF INSURANCE, DIVISION OF WORKERS' COMPENSATION

CHAPTER 128. BENEFITS--CALCULATION OF AVERAGE WEEKLY WAGE

28 TAC §§128.3, 128.5 - 128.7

INTRODUCTION. The Texas Department of Insurance, Division of Workers' Compensation (DWC) proposes to amend 28 TAC §§128.3 and 128.5 - 128.7, concerning calculating the average weekly wage (AWW). The proposed amendments implement Texas Labor Code Sections 408.041, 408.042, 408.043, 408.044, and 408.0446 which govern calculating and adjusting an employee's average weekly wage for workers' compensation benefits. DWC posted for comment an informal working draft of the amendments and considered all the comments received.

EXPLANATION. The proposed amendments to Sections 128.3, 128.6, and 128.7 are to correct obsolete references and update the text for plain language and agency style. The proposed

amendments to Section 128.5 changes the process for insurance carriers to request adjustments to a seasonal employee's average weekly wage and get wage information from seasonal employees.

Section 128.3 sets out the method for calculating AWW for all benefits paid to full-time injured employees, as well as AWW for temporary income benefits for all employees. Section 128.3 implements Labor Code §§408.041 and 408.042.

Section 128.6 sets out the method for calculating AWW for injured employees who are minors, apprentices, trainees, or students on the date of injury. Section 128.6 implements Labor Code §408.044.

Section 128.7 sets out the method for calculating AWW for school district employees. Section 128.7 implements Labor Code §408.0446.

Section 128.5 defines seasonal employees and tells how to compute AWW for seasonal employees. It also provides that the AWW may be adjusted to reflect the seasonal wages that the employee could reasonably have expected to earn based on earnings from the corresponding time periods of previous years. Section 128.5 implements Labor Code §408.043 and provides, in part, that the AWW for a seasonal employee is adjusted as often as necessary to reflect the wages the employee could reasonably have expected to earn during the period that temporary income benefits are paid. Amending §128.5 is necessary to provide instructions for insurance carriers to request wage information from seasonal employees and give guidance if there is a dispute over calculating the AWW for seasonal employees.

Previously, insurance carriers could request that DWC provide them with wage information from the Texas Workforce Commission (TWC). Because of changes to data-sharing contracts between TWC and DWC, DWC is prohibited from sharing wage information from TWC's system. Since January 2021, DWC received 12 requests from insurance carriers to get wage information. Half of these requests were not fulfilled because the insurance carrier did not give proper notice to the injured employee. During this same period, DWC received 20 requests to adjust the AWW for seasonal employees. Eighteen requests were denied because the insurance carrier did not give proper notice to the injured employee and the wage information the insurance carrier submitted did not support the proposed wage adjustment. Two requests were withdrawn.

Under the proposed rule, if the employee does not provide the requested wage information or request a benefit review conference within 14 days after the employee receives notice from the insurance carrier, the insurance carrier may ask DWC to issue a subpoena for the seasonal employee's wage information to determine if the AWW should be increased or decreased to more accurately reflect the seasonal nature of the employment. Employees must respond to the subpoena. If the employee does not respond to the subpoena, insurance carriers are still able to use the other available methods of discovery to obtain wage information and may submit relevant wage information that it obtained by methods other than DWC subpoena. The rule also allows an employee or insurance carrier to request a contested case hearing if the employee or insurance carrier disputes DWC's decision on the request to adjust the AWW.

The proposed amendments also include nonsubstantive editorial and formatting changes that make updates for plain language and agency style to improve the rule's clarity.

FISCAL NOTE AND LOCAL EMPLOYMENT IMPACT STATEMENT. Deputy Commissioner for Claims and Customer Services Erica De La Cruz 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 sections, other than that imposed by the statute. Although DWC will no longer receive the \$15 fee for processing wage information requests, the impact to agency revenue is negligible because of the low number of requests for wage information. There will be no measurable fiscal impact on state and local governments as a result of enforcing or administering the sections because local governments are not involved in enforcing or complying with the proposed amendments.

Deputy Commissioner De La Cruz 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, Deputy Commissioner De La Cruz expects that enforcing and administering the proposed amendments will have the public benefits of promoting compliance with the Workers' Compensation Act, as well as ensuring that DWC's rules conform to Labor Code §§408.041, 408.042, 408.043, 408.044, and 408.0446 and are current and accurate, which promotes transparent and efficient regulation.

Deputy Commissioner De La Cruz expects that the proposed amendments will not increase the cost to comply with Labor Code §§408.041, 408.042, 408.043, 408.044, and 408.0446 because they do not impose requirements beyond those in the statutes. Labor Code §408.043 requires that the AWW for a seasonal employee is adjusted as often as necessary to reflect the wages the employee could reasonably have expected to earn during the period that temporary income benefits are paid. Labor Code §408.041 provides the calculation for AWW and contemplates the use of the employee's wage information. Insurance carriers may choose to serve a subpoena and may incur a cost to serve it. However, the costs of serving a subpoena are attributable to the insurance carrier's choice to serve a subpoena, the laws related to service of subpoenas, and the fees established by those the law authorizes to serve a subpoena. As a result, the costs associated with getting the employee's wage information and serving a subpoena do not result from the enforcement or administration of the proposed amendments.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS. DWC has determined that the proposed amendments will not have an adverse economic effect or a disproportionate economic impact on small or micro businesses, or on rural communities because the proposed amendments clarify the process for getting seasonal employee wage information and make editorial changes, changes to update obsolete references, or updates for plain language and agency style. The proposed issuance of subpoenas for seasonal employee wage information does not change the people the rule affects or impose additional costs because the injured employee could provide the wage information, and it is up to the insurance carrier to choose to request a subpoena. As a result, and in accordance with Government Code §2006.002(c), DWC is not required to prepare a regulatory flexibility analysis.

EXAMINATION OF COSTS UNDER GOVERNMENT CODE §2001.0045. DWC has determined that this proposal does not impose a possible cost on regulated persons. As a result, no

additional rule amendments are required under Government Code §2001.0045.

GOVERNMENT GROWTH IMPACT STATEMENT. DWC 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 in fees paid to the agency;
- will not create a new regulation;
- will 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.

DWC made these determinations because the proposed rule enhances efficiency and clarity of producing evidence of wages; conforms the language to current agency structure, practice, and related rules; and makes editorial changes for plain language and agency style. The proposed amendments do not change the people the rule affects or impose additional costs.

TAKINGS IMPACT ASSESSMENT. DWC has determined that no private real property interests are affected by this proposal, and 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 INFORMATION AND PUBLIC COMMENT. DWC requests public comments on the proposal, including information related to the cost, benefit, or effect of the proposal and any applicable data, research, and analysis. DWC will consider any written comments on the proposal that DWC receives no later than 5:00 p.m., Central time, on December 15, 2025. Send your comments to RuleComments@tdi.texas.gov; or to Texas Department of Insurance, Division of Workers' Compensation, Legal Services, MC-LS, P.O. Box 12050, Austin, Texas 78711-2050.

To request a public hearing on the proposal, submit a request before the end of the comment period to RuleComments@tdi.texas.gov; or to Texas Department of Insurance, Division of Workers' Compensation, Legal Services, MC-LS, P.O. Box 12050, Austin, Texas 78711-2050. The request for public hearing must be separate from any comments.

STATUTORY AUTHORITY. DWC proposes §§128.3 and 128.5 - 128.7 under Labor Code §§402.00111, 402.00116, 402.00128, 402.061, 408.041, 408.042, 408.043, 408.044, and 408.0446.

Labor Code §402.00111 provides that the commissioner of workers' compensation shall exercise all executive authority, including rulemaking authority under Title 5 of the Labor Code.

Labor Code §402.00116 provides that the commissioner of workers' compensation shall administer and enforce this title, other workers' compensation laws of this state, and other laws granting jurisdiction to or applicable to DWC or the commissioner.

Labor Code §402.00128 describes the general powers and duties of the commissioner, including to hold hearings; issue subpoenas to compel the attendance of witnesses and the production of documents; take testimony directly or by deposition or interrogatory; and prescribe the form, manner, and procedure for the transmission of information to the division.

Labor Code §402.061 provides that the commissioner of workers' compensation shall adopt rules as necessary to implement and enforce the Texas Workers' Compensation Act.

Labor Code §408.041 provides the calculation for AWW.

Labor Code §408.042 provides the calculation for AWW for part-time employees or employees with multiple employment, among other things.

Labor Code §408.043 provides in part that the AWW for a seasonal employee is adjusted as often as necessary to reflect the wages the employee could reasonably have expected to earn during the period that temporary income benefits are paid.

Labor Code §408.044 provides that the calculation for AWW must be adjusted to reflect the level of expected wages during the period that the benefits are payable for employees that are minors, apprentices, trainees, or students at the time of the injury.

Labor Code §408.0446 provides the calculation of AWW for school district employees.

CROSS-REFERENCE TO STATUTE. Section 128.3 implements Labor Code §408.041, Section 128.5 implements Labor Code §408.043, Section 128.6 implements Labor Code §408.043, enacted by House Bill (HB) 752, 73rd Legislature, Regular Session (1993), and amended by HB 7, 79th Legislature, Regular Session (2005). Section 128.7 implements Labor Code §408.0446, enacted by HB 2600, 77th Legislature, Regular Session (2001), and amended by HB 7, 79th Legislature, Regular Session (2005).

§128.3. Average Weekly Wage Calculation for Full-Time Employees, and for Temporary Income Benefits for All Employees.

(a) All income benefits for full-time employees are based on upon an average weekly wage calculated according to this rule. A full-time employee is one who regularly works at least 30 hours per week and whose that schedule is comparable to other employees of that company or and/or other employees in the same business or vicinity who are considered full-time.

(b) Temporary income benefits are based on an average weekly wage that which is calculated according to this rule for all employees. However, the average weekly wage for determining temporary income benefits of seasonal employees may be periodically adjusted as set out in §128.5(c) of this title (relating to Average Weekly Wage Calculation for Seasonal Employees).

(c) The average weekly wage for impairment income, supplemental income, lifetime income, and death benefits must shall be calculated according to this section concerning full-time employees, §128.4 of this title (relating to Average Weekly Wage Calculation for Part-Time Employees), or §128.5 of this title (relating to Average Weekly Wage Calculation for Seasonal Employees). The average weekly wage for an employee who is also a minor, an apprentice, a trainee, or a student must shall be adjusted for determining these income benefits (but not temporary income benefits), according to the procedure described in §128.6 of this title (relating to Average Weekly Wage Adjustment for Certain Employees Who Are Also Minors, Apprentices, Trainees, or Students).

(d) If an employee has worked for 13 weeks or more before prior to the date of injury, or if the wage at the time of injury has not been fixed or cannot be determined, the wages paid to the employee for the 13 weeks immediately preceding the injury are added together and divided by 13. The quotient is the average weekly wage for that employee.

(e) If an employee has worked for less than 13 weeks before prior to the date of injury, the wages paid to that employee are not considered. Instead, the wages used for the average weekly wage calculation are those paid by the employer to a similar employee who performs similar services, but who earned wages for at least 13 weeks. If there is no similar employee at the employer's business, the calculation is based on wages paid to a similar employee who performed similar services in the same vicinity, for at least 13 weeks. When a similar employee is identified, the wages paid to that person for the 13 weeks immediately preceding the injury are added together, and divided by 13. The quotient is the average weekly wage for the injured employee.

(f) For purposes of computing average weekly wage under subsection (e) of this section, the following definitions apply:

(1) a similar employee is a person with training, experience, and skills and wages that are comparable to the injured employee. Age, gender, and race must shall not be considered;

(2) similar services are tasks performed or services rendered that are comparable in nature to, and in the same class as, those performed by the injured employee, and that are comparable in the number of hours normally worked.

(g) If the methods set forth in this rule cannot be applied reasonably due to the irregularity of the employment or, if the employee has lost time from work, without remuneration, during the said 13-week period due to illness, weather, or other cause beyond the control of the employee, the commissioner commission may determine the employee's average weekly wage by any method that is it considers fair, just, and reasonable to all parties and consistent with the methods established under this section.

§128.5. Average Weekly Wage Calculation for Seasonal Employees.

(a) A seasonal employee is an employee who, as a regular course of the employee's conduct, engages in seasonal or cyclical employment which may or may not be agricultural in nature, that does not continue throughout the entire year.

(b) The average weekly wage used to determine temporary income benefits for seasonal employees must shall be determined according to the procedure described in §128.3(d) or (e) of this title (relating to Average Weekly Wage Calculation for Full-Time Employees, and for Temporary Income Benefits for All Employees), subject to the periodic adjustment described in this rule.

(c) The average weekly wage for computing temporary income benefits may be increased or decreased as often as necessary to more accurately reflect the seasonal nature of the employment, if such an adjustment would more accurately reflect the wages the employee could reasonably have expected to earn during the period that temporary income benefits are paid. To adjust the average weekly wage: Evidence of earnings shall be submitted at the time an adjustment is requested. The evidence should include proof of the employee's earnings in corresponding time periods of previous years. In case of a dispute, the commission shall set a benefit review conference to consider whether an adjustment should be made.

(1) The insurance carrier must notify the employee and the division of its intent to adjust the average weekly wage for temporary income benefits under this subsection. The notice must contain all the information on the division's specimen form, located on the division's

website at www.tdi.texas.gov/wc, including claim information, the notice of intent to adjust the average weekly wage, and the requester's information.

(2) The employee must provide the insurance carrier documents showing the employee's wages in previous years during the corresponding time periods.

(3) If the employee does not provide the requested wage information within 14 days after the employee receives the notice, the insurance carrier may request that the division issue a subpoena for the requested wage history. If the employee does not respond to the subpoena for wage information within 14 days of receiving the subpoena, the insurance carrier may file a request to adjust the average weekly wage under paragraph (4) of this subsection.

(4) The insurance carrier must file with the division the request to adjust the average weekly wage and provide a copy to the employee. The request must contain all the information on the division's specimen form, located on the division's website at www.tdi.texas.gov/wc, including claim information, the notice of intent to adjust the average weekly wage, the request to adjust the average weekly wage, and the requester's information.

(A) The insurance carrier must submit evidence of earnings at the time the insurance carrier requests an adjustment. The evidence should include proof of the employee's earnings in the corresponding time periods of previous years.

(B) The insurance carrier may not make the adjustment until the division approves the request.

(C) The claimant or insurance carrier may appeal DWC's determination by requesting a contested case hearing through the dispute resolution process outlined in Chapters 140 - 144 of this title.

(d) The average weekly wage used to determine impairment income benefits, lifetime income benefits, supplemental income benefits, or death benefits for a seasonal employee must [shall] be calculated by:

(1) adding together the total wages received by the employee in the 12 months preceding the date of injury and dividing the result by 50; or

(2) if it is impractical to compute the average weekly wage as provided by paragraph (1) of this subsection, another fair, just, and reasonable method as determined in a contested case hearing ~~[benefit review conference]~~ if requested by the person claiming income benefits or the insurance carrier.

§128.6. Average Weekly Wage Adjustment for Certain Employees Who Are Also Minors, Apprentices, Trainees, or Students.

(a) ~~To [In order to]~~ adjust average weekly wage under this rule, for purposes of computing impairment income, supplemental income, lifetime income, and death benefits, an injured employee must fit [come within] one of the following definitions, on the date of injury:

(1) a minor is an employee less than 18 years of age and not emancipated by marriage or judicial action, and is also an apprentice, trainee, or student;

(2) an apprentice is an employee learning a skilled trade or art by practical experience under the direction of a skilled crafts person or artisan;

(3) a trainee is an employee undergoing systematic instruction and practice in some art, trade, or profession with a view toward [towards] proficiency in it; and

(4) a student is an employee enrolled in a course of study or instruction in a high school, college, university, or other institute of higher education or technical training.

(b) The average weekly wage used to determine temporary income benefits for a minor, apprentice, trainee, or student must [shall] be computed according to §128.3 of this title (~~[relating to]~~ Average Weekly Wage Calculation for Full-Time Employees, and for Temporary Income Benefits for All Employees), and may not be adjusted. The basic average weekly wage for other income and death benefits must [shall] be calculated depending on [upon] whether the employee worked full-time, part-time, or as a seasonal employee, and may be adjusted as described in this section.

(c) The average weekly wage of an employee who is less than 18 years of [a] age, but not a minor as defined in this section, must [shall] not be adjusted.

(d) The average weekly wage used to determine impairment income benefits, supplemental income benefits, lifetime income benefits, or death benefits for an employee defined under subsection (a) of this section must [shall] be adjusted on the basis of this rule if the employee also proves that:

(1) the employee's employment or earnings at the time of the injury were limited primarily because of apprenticeship, continuing formal training, or education that can be reasonably calculated to enhance the employee's future wages; and

(2) the employee's wages would reasonably be expected to change during the period for which the impairment income, supplemental income, lifetime income, and death benefits are payable not to exceed three years after the date of injury.

(e) An insurance carrier and the person claiming income benefits may agree to adjust the average weekly wage used to compute impairment income benefits, lifetime income benefits, supplemental income benefits, or death benefits for an employee who meets the requirements of subsections (a) and (d) of this section. The adjustment must [shall] not reflect the level of the expected wages for a period in excess of three years after the date of injury.

(f) If an insurance carrier and the person claiming income benefits dispute the need for, or the amount of, an adjustment for expected wage levels, the division will [commission shall] schedule a contested case hearing through the dispute resolution process outlined in Chapters 140 - 144 of this title [benefit review conference]. The division will [commission shall] then consider the evidence submitted by the insurance carrier and the claimant. Objective, documentary, or expert evidence is favored over testimony of interested parties[;] in determining a fair and just expected wage level [an expected wage level which is fair and just].

§128.7. Average Weekly Wage for School District Employees.

(a) This rule applies only to school district employees injured on or after December 1, 2001. The calculations in this rule apply to the portion of the employee's average weekly wage ~~[(AWW)]~~ based on [upon] the employee's employment with the school district where the school district is: the "Claim Employer" as that term is used in §122.5 of this title (~~[relating to]~~ Employee's Multiple Employment Wage Statement). The average weekly wage ~~[AWW]~~ of a school district employee injured before December 1, 2001, is computed using the law and ~~[commission]~~ rules in effect on the date of the injury.

(b) For determining the amount of temporary income benefits of school district employees under Texas Labor Code Chapter 504, the average weekly wage ~~[AWW]~~ is computed on the basis of wages earned in a week. "Wages earned in a week" are equal to the amount that would be deducted from an employee's salary if the employee were absent

from work for one week and the employee did not have personal leave available to compensate the employee for lost wages for that week. For this calculation, "wages" includes only pecuniary wages.

(c) For determining the amount of temporary income benefits of a school district employee, the average weekly wage must [AWW shall] be computed as follows.

(1) For a school district employee working under a written contract with the school district, the average weekly wage must [AWW shall] be computed by dividing the amount the employee would have been paid had the employee fully completed the terms of the contract (including any stipend the employee was earning or scheduled to receive under the contract) by:

(A) the number of days that the employee was required to work under that contract and multiplied by five (if the contract has specified the number of work days); or

(B) the number of months that the contract was to cover and then dividing the result by 4.34821.

(2) For a school district employee who is employed on a nonwritten [non-written] contract basis (i.e., hourly, daily, salaried, or other basis), the average weekly wage must [AWW shall] be computed by dividing the total gross wages earned in the previous 13-week period immediately preceding the date of injury by 13.

(d) The average weekly wage [AWW] for computing temporary income benefits may be increased or decreased to more accurately reflect wages the school district employee reasonably could expect to earn during the period for which temporary income benefits are paid.

(1) An insurance carrier [carrier] may adjust the average weekly wage [AWW] based on evidence of earnings.

(2) A school district employee may request adjustments by submitting evidence of earnings to the insurance carrier.

(3) For a period a school district employee would not have earned wages, the average weekly wage [AWW] may be adjusted to zero and no minimum benefit payment may be required.

(e) For determining the amount of impairment income benefits, lifetime income benefits, supplemental income benefits, or death benefits, the average weekly wage must [AWW shall] be computed in accordance with this subsection using only pecuniary wages.

(1) The insurance carrier must [shall] add together the total wages earned by the school district employee during the 12 months immediately preceding the injury and dividing the result by 50 weeks.

(2) If the school district employee provides wage information from other employers for whom the employee worked in the 12 months immediately preceding the injury, these wages must [shall] be included in the calculation of the average weekly wage [AWW]. Note that for injuries on or after July 1, 2002, the effect of wages from a Non-Claim Employer (as the term is defined in §122.5 of this title (relating to) Employee's Multiple Employment Wage Statement)) on the employee's average weekly wage [AWW] is governed by §128.1(h)(2) of this title (relating to) Average Weekly Wage: General Provisions).

(f) In the event the school district employee or insurance [and/or] carrier believes that the average weekly wage [AWW] computed based on the calculations in this rule does not reflect the true average weekly wage [AWW], the employee and insurance carrier may enter into a written agreement regarding the average weekly wage [AWW] or request a contested case hearing through the dispute resolution process outlined in Chapters 140 - 144 of this title [benefit review conference].

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 October 29, 2025.

TRD-202503952

Kara Mace

General Counsel

Texas Department of Insurance, Division of Workers' Compensation

Earliest possible date of adoption: December 14, 2025

For further information, please call: (512) 804-4703



TITLE 34. PUBLIC FINANCE

PART 1. COMPTROLLER OF PUBLIC ACCOUNTS

CHAPTER 3. TAX ADMINISTRATION

SUBCHAPTER V. FRANCHISE TAX

34 TAC §3.586

The Comptroller of Public Accounts proposes an amendment to §3.586, concerning margin: nexus. The amendment provides guidance on determining economic nexus for certain entities.

The comptroller adds paragraph (3) to the economic nexus provision in subsection (f) to provide that a foreign taxable entity that apportions its margin using a method other than gross receipts must use gross receipts as sourced to Texas under §3.591(e) and (f) of this title (relating to Margin: Apportionment) to determine economic nexus.

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

Mr. Reynolds also has determined that the proposed amended rule would benefit the public by providing additional guidance on determining economic nexus. This rule is proposed under Tax Code, Title 2, and does not require a statement of fiscal implications for small businesses or rural communities. The proposed amended rule would have no significant fiscal impact on the state government, units of local government, or individuals. There would be no anticipated significant economic cost to the public.

You may submit comments on the proposal to Jenny Burleson, Director, Tax Policy Division, P.O. Box 13528 Austin, Texas 78711 or to the email address: tp.rule.comments@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*.

This amendment is proposed under Tax Code, §111.002 (Comptroller's Rules; Compliance; Forfeiture), which provides the comptroller with the authority to prescribe, adopt, and enforce

rules relating to the administration and enforcement of the provisions of Tax Code, Title 2.

The amendment implements Tax Code, §171.001 (Tax Imposed).

§3.586. *Margin: Nexus.*

(a) **Effective date.** The provisions of this section apply to franchise tax reports originally due on or after January 1, 2008, unless otherwise noted.

(b) **Foreign taxable entity.** A taxable entity that is not chartered or organized in Texas.

(c) **Nexus.** A taxable entity is subject to Texas franchise tax when it has sufficient contact with this state to be taxed without violating the United States Constitution. Nexus is determined on an individual taxable entity level.

(d) **Physical presence.** Some specific activities that subject a taxable entity to Texas franchise tax include, but are not limited to, the following:

(1) **advertising:** entering Texas to purchase, place, or display advertising when the advertising is for the benefit of another and in the ordinary course of business (e.g., the foreign taxable entity makes signs and brings them into Texas, sets them up, and maintains them);

(2) **consignments:** having consigned goods in Texas;

(3) **contracting:** performance of a contract in Texas regardless of whether the taxable entity brings its own employees into the state, hires local labor, or subcontracts with another;

(4) **delivering:** delivering into Texas items it has sold;

(5) **employees or representatives:** having employees or representatives in Texas doing the business of the taxable entity;

(6) **federal enclaves:** doing business in any area within Texas, even if the area is leased by, owned by, ceded to, or under the control of the federal government;

(7) **franchisors:** entering into one or more contracts with persons, corporations, or other business entities located in Texas, by which:

(A) the franchisee is granted the right to engage in the business of offering, selling, or distributing goods or services under a marketing plan or system prescribed in substantial part by the franchisor; and

(B) the operation of a franchisee's business pursuant to such plan is substantially associated with the franchisor's trademark, service mark, trade name, logotype, advertising, or other commercial symbol designating the franchisor or its affiliate.

(8) **holding companies:** maintaining a place of business in Texas or managing, directing, and/or performing services in Texas for subsidiaries or investee entities;

(9) **inventory:** having an inventory in Texas or having spot inventory for the convenient delivery to customers, even if the bulk of orders are filled from out of state;

(10) **leasing:** leasing tangible personal property which is used in Texas;

(11) **loan production activities:** soliciting sales contracts or loans, gathering financial data, making credit checks, collecting accounts, repossessing property or performing other financial activities in Texas through employees, independent contractors, or agents, regardless of whether they reside in Texas;

(12) **partners:**

(A) acting as a general partner in a general partnership that is doing business in Texas;

(B) acting as a general partner in a limited partnership that is doing business in Texas (a foreign taxable entity that is a limited partner in a limited partnership does not have physical presence in Texas, if that is the limited partner's only connection with Texas);

(13) **place of business:** maintaining a place of business in Texas;

(14) **processing:** assembling, processing, manufacturing, or storing goods in Texas;

(15) **real estate:** holding, acquiring, leasing, or disposing of any property located in Texas;

(16) **services, including, but not limited to the following:**

(A) providing any service in Texas, regardless of whether the employees, independent contractors, agents, or other representatives performing the services reside in Texas;

(B) maintaining or repairing property located in Texas whether under warranty or by separate contract;

(C) installing, erecting, or modifying property in Texas;

(D) conducting training classes, seminars or lectures in Texas;

(E) providing any kind of technical assistance in Texas, including, but not limited to, engineering services; or

(F) investigating, handling or otherwise assisting in resolving customer complaints in Texas.

(17) **shipment:** sending materials to Texas to be stored awaiting orders for their shipment;

(18) **shows and performances:** the staging of or participating in shows, theatrical performances, sporting events, or other events within Texas;

(19) **solicitation:** having employees, independent contractors, agents, or other representatives in Texas, regardless of whether they reside in Texas, to promote or induce sales of the foreign taxable entity's goods or services;

(20) **telephone listing:** having a telephone number that is answered in Texas; or

(21) **transportation:**

(A) carrying passengers or freight (any personal property including oil and gas transmitted by pipeline) from one point in Texas to another point within the state, if pickup and delivery, regardless of origination or ultimate destination, occurs within Texas; or

(B) having facilities and/or employees, independent contractors, agents, or other representatives in Texas, regardless of whether they reside in Texas:

(i) for storage, delivery, or shipment of goods;

(ii) for servicing, maintaining, or repair of vehicles, trailers, containers, and other equipment;

(iii) for coordinating and directing the transportation of passengers or freight; or

(iv) for doing any other business of the taxable entity.

(e) Texas use tax permit. A foreign taxable entity with a Texas use tax permit is presumed to have nexus in Texas and is subject to Texas franchise tax. If the entity has overcome this presumption, the beginning date is determined under subsection (g)(2)(A) or (C) of this section.

(f) Economic nexus.

(1) For each federal income tax accounting period ending in 2019 or later, a foreign taxable entity has nexus in Texas and is subject to Texas franchise tax, even if it has no physical presence in Texas, if during that federal income tax accounting period, it had gross receipts from business done in Texas of \$500,000 or more, as sourced under §3.591(e) and (f) of this title (relating to Margin: Apportionment).

(2) For purposes of this subsection, gross receipts means all revenue reportable by a taxable entity on its federal return, without deduction for the cost of property sold, materials used, labor performed, or other costs incurred.

(3) The economic nexus threshold in paragraph (1) of this subsection is based on gross receipts and it applies to a foreign taxable entity that apportions its margin using a method other than gross receipts, such as the apportionment methods described in §3.591(c)(1) or (2) of this title.

(g) Beginning date.

(1) Prior to Jan. 1, 2019, a foreign taxable entity begins doing business in Texas on the date the entity has physical presence as described in subsection (d) of this section.

(2) On or after Jan. 1, 2019, a foreign taxable entity begins doing business in Texas on the earliest of:

(A) the date the entity has physical presence as described in subsection (d) of this section;

(B) the date the entity obtains a Texas use tax permit if obtained on or after Jan. 1, 2019 or Jan. 1, 2019, if the entity obtained a use tax permit prior to that date; or

(C) the first day of the federal income tax accounting period ending in 2019 or later in which the entity had gross receipts from business done in Texas of \$500,000 or more.

(h) Trade shows. See §3.583 of this title (relating to Margin: Exemptions) for information concerning exemption for certain trade show participants under Tax Code, §171.084.

(i) Public Law 86-272. Public Law 86-272 (15 United States Code §§381 - 384) does not apply to the Texas franchise tax.

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 October 30, 2025.

TRD-202503954

Jenny Burleson

Director, Tax Policy

Comptroller of Public Accounts

Earliest possible date of adoption: December 14, 2025

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



TITLE 37. PUBLIC SAFETY AND CORRECTIONS

PART 5. TEXAS BOARD OF PARDONS AND PAROLES

CHAPTER 143. EXECUTIVE CLEMENCY SUBCHAPTER A. FULL PARDON AND RESTORATION OF RIGHTS OF CITIZENSHIP

37 TAC §143.11

The Texas Board of Pardons and Paroles proposes amendments to 37 TAC Chapter 143, Subchapter A, concerning full pardon and restoration of rights of citizenship, §143.11. The amendments proposed are to provide edits for sentence structure, and for uniformity and consistency throughout the rules.

Marsha Moberley, Chair of the Board, determined that for each year of the first five-year period the proposed amendments are in effect, no fiscal implications exist for state or local government as a result of enforcing or administering these sections.

Ms. Moberley also has determined that during the first five years the proposed amendments are in effect, the public benefit anticipated as a result of enforcing the amendments to these sections will be the effective administration of sex offender conditions hearings. There will be no effect on small businesses, micro-businesses or rural areas. There is no anticipated economic cost to persons required to comply with the amended rules as proposed. The amendments 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; does not create a new regulation; does not expand, limit, or repeal an existing regulation; 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.

An Economic Impact Statement and Regulatory Flexibility Analysis is not required because the proposed amendments will not have an economic effect on micro-businesses, small businesses, or rural communities as defined in Texas Government Code, Section 2006.001(2).

Comments should be directed to Bettie Wells, General Counsel, Texas Board of Pardons and Paroles, 209 W. 14th Street, Suite 500, Austin, Texas 78701, or by e-mail to bettie.wells@tdcj.texas.gov. Written comments from the general public should be received within 30 days of the publication of this proposal.

The amended rules are proposed under the Texas Constitution, Article 4, Section 11, and the Code of Criminal Procedure, Article 48.01 and Article 48.03. Article 4, Section 11, Texas Constitution authorizes the Board to make clemency recommendations to the Governor. Articles 48.01 and Article 48.03, Code of Criminal Procedure, authorize the Board to make clemency recommendations to the Governor.

No other statutes, articles, or codes are affected by these amendments.

§143.11. Request of the Governor.

The Board shall consider a recommendation for a full pardon and if applicable, [or] request for restoration of firearm rights in any case upon the request of the governor [Governor] as authorized by [Texas] Government Code, Section 508.050.

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 October 31, 2025.

TRD-202503959

Richard Gamboa

Technical Writer

Texas Board of Pardons and Paroles

Earliest possible date of adoption: December 14, 2025

For further information, please call: (512) 406-5309



SUBCHAPTER B. CONDITIONAL PARDON

37 TAC §143.24

The Texas Board of Pardons and Paroles proposes amendments to 37 TAC Chapter 143, Subchapter B, concerning conditional pardon, §143.24. The amendments proposed are to provide edits for sentence structure, and for uniformity and consistency throughout the rules.

Marsha Moberley, Chair of the Board, determined that for each year of the first five-year period the proposed amendments are in effect, no fiscal implications exist for state or local government as a result of enforcing or administering these sections.

Ms. Moberley also has determined that during the first five years the proposed amendments are in effect, the public benefit anticipated as a result of enforcing the amendments to these sections will be the effective administration of sex offender conditions hearings. There will be no effect on small businesses, micro-businesses or rural areas. There is no anticipated economic cost to persons required to comply with the amended rules as proposed. The amendments 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; does not create a new regulation; does not expand, limit, or repeal an existing regulation; 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.

An Economic Impact Statement and Regulatory Flexibility Analysis is not required because the proposed amendments will not have an economic effect on micro-businesses, small businesses, or rural communities as defined in Texas Government Code, Section 2006.001(2).

Comments should be directed to Bettie Wells, General Counsel, Texas Board of Pardons and Paroles, 209 W. 14th Street, Suite 500, Austin, Texas 78701, or by e-mail to bettie.wells@tdcj.texas.gov. Written comments from the general public should be received within 30 days of the publication of this proposal.

The amended rules are proposed under the Texas Constitution, Article 4, Section 11, and the Code of Criminal Procedure, Article 48.01 and Article 48.03. Article 4, Section 11, Texas Constitution authorizes the Board to make clemency recommendations to the Governor. Articles 48.01 and Article 48.03, Code of Criminal Procedure, authorize the Board to make clemency recommendations to the Governor.

No other statutes, articles, or codes are affected by these amendments.

§143.24. Request of the Governor.

The Board shall consider a recommendation for conditional pardon in any case upon the request of the Governor as authorized by [Texas] Government Code, Section 508.050.

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 October 31, 2025.

TRD-202503960

Richard Gamboa

Technical Writer

Texas Board of Pardons and Paroles

Earliest possible date of adoption: December 14, 2025

For further information, please call: (512) 406-5309



SUBCHAPTER C. REPRIEVE

37 TAC §143.33, §143.34

The Texas Board of Pardons and Parole (Board) proposes the repeal of Title 37, Chapter 143, Subchapter C. Reprieve, §143.33 and §143.34. The proposed repeal is the result of a review of the subchapter pursuant to the four-year rule review prescribed by §2001.039 Government Code.

The repeal of §143.33 is warranted because the civil courts have the right to subpoena someone to attend or appear before them, making the rule unnecessary. The repeal of §143.34 is warranted because the Board has the statutory authority to release an offender due to their medical condition.

Marsha Moberley, Chair of the Board, determined that for each year of the first five-year period the proposed repeals are in effect, no fiscal implications exist for state or local government as a result of enforcing or administering these sections.

Ms. Moberley also has determined that during the first five years the proposed repeals are in effect, the public benefit anticipated as a result of enforcing the repeals of these sections will be the effective administration of sex offender conditions hearings. There will be no effect on small businesses, micro-businesses or rural areas. There is no anticipated economic cost to persons required to comply with the repealed rules as proposed. The repeals 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; does not create a new regulation; does not expand, limit, or repeal an existing regulation; 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.

An Economic Impact Statement and Regulatory Flexibility Analysis is not required because the proposed repeals will not have an economic effect on micro-businesses, small businesses, or rural communities as defined in Texas Government Code, Section 2006.001(2).

Comments should be directed to Bettie Wells, General Counsel, Texas Board of Pardons and Paroles, 209 W. 14th Street, Suite 500, Austin, Texas 78701, or by e-mail to bettie.wells@tdcj.texas.gov. Written comments from the general public should be received within 30 days of the publication of this proposal.

The repeal is proposed under §508.036(b)(1) Government Code, which provides authority for the Board adopt rules relating to the decision-making processes used by the Board and parole panels.

No other statutes, articles, or codes are affected by these repeals.

§143.33. *Emergency Repeive to Attend Civil Court Proceedings.*

§143.34. *Emergency Medical Repeive.*

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 October 31, 2025.

TRD-202503958

Richard Gamboa

Technical Writer

Texas Board of Pardons and Paroles

Earliest possible date of adoption: December 14, 2025

For further information, please call: (512) 406-5309



SUBCHAPTER D. REPRIEVE FROM EXECUTION

37 TAC §143.42

The Texas Board of Pardons and Paroles proposes amendments to 37 TAC Chapter 143, Subchapter D, concerning reprieve from execution, §143.42. The amendments proposed are to provide edits for grammar, uniformity and consistency throughout the rules, and to reiterate the Governor's statutory authority regarding reprieves.

Marsha Moberley, Chair of the Board, determined that for each year of the first five-year period the proposed amendments are in effect, no fiscal implications exist for state or local government as a result of enforcing or administering these sections.

Ms. Moberley also has determined that during the first five years the proposed amendments are in effect, the public benefit anticipated as a result of enforcing the amendments to these sections will be the effective administration of sex offender conditions hearings. There will be no effect on small businesses, micro-businesses or rural areas. There is no anticipated economic cost to persons required to comply with the amended rules as proposed. The amendments 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; does not create a new regulation; does not expand, limit, or repeal an existing regulation; 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.

An Economic Impact Statement and Regulatory Flexibility Analysis is not required because the proposed amendments will not have an economic effect on micro-businesses, small businesses, or rural communities as defined in Texas Government Code, Section 2006.001(2).

Comments should be directed to Bettie Wells, General Counsel, Texas Board of Pardons and Paroles, 209 W. 14th Street, Suite 500, Austin, Texas 78701, or by e-mail to bettie.wells@tdcj.texas.gov. Written comments from the general public should be received within 30 days of the publication of this proposal.

The amended rules are proposed under the Texas Constitution, Article 4, Section 11, and the Code of Criminal Procedure, Article 48.01 and Article 48.03. Article 4, Section 11, Texas Constitution authorizes the Board to make clemency recommendations to the Governor. Articles 48.01 and Article 48.03, Code of Criminal Procedure, authorize the Board to make clemency recommendations to the Governor.

No other statutes, articles, or codes are affected by these amendments.

§143.42. *Reprieve Recommended by the Board.*

The Board will consider a reprieve of execution from death sentence upon receipt of a written application on [in] behalf of an offender. The individual filing such application, if other than the offender, may be required to demonstrate that the individual [he/she] is authorized by the offender to file such application. Any such application shall be addressed to the Texas Board of Pardons and Paroles [Parole] and contain the following information:

- (1) the name of the applicant, execution number, together with any other pertinent identifying information;
- (2) identification of the applicant's agents, if any, who are presenting the application;
- (3) certified copies of the indictment, judgment, verdict of the jury, and sentence in the case, including official documentation verifying the scheduled execution date, if said information is not contained in the sentence;
- (4) a brief statement of the offense for which the offender has been sentenced to death;
- (5) a brief statement of the appellate history of the case, including its current status;
- (6) a brief statement of the legal issues which have been raised during the judicial progress of the case;
- (7) the requested length of duration of the reprieve, which shall be in increments of 30 days that is, 30, 60, 90, and 120 [ete-], unless a different duration is requested upon the basis of the grounds for the application set forth pursuant to paragraph (8) of this section; and,
- (8) all grounds upon the basis of which the reprieve is requested; provided that such grounds shall not call upon the Board to decide technical questions of law which are properly presented via the judicial process.

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 October 31, 2025.

TRD-202503961
Richard Gamboa
Technical Writer
Texas Board of Pardons and Paroles
Earliest possible date of adoption: December 14, 2025
For further information, please call: (512) 406-5309



SUBCHAPTER E. COMMUTATION OF SENTENCE

37 TAC §143.54, §143.58

The Texas Board of Pardons and Paroles proposes amendments to 37 TAC Chapter 143, Subchapter E, concerning commutation of sentence, §143.54 and §143.58. The amendments proposed are to provide edits for grammar and for uniformity and consistency throughout the rules.

Marsha Moberley, Chair of the Board, determined that for each year of the first five-year period the proposed amendments are in effect, no fiscal implications exist for state or local government as a result of enforcing or administering these sections.

Ms. Moberley also has determined that during the first five years the proposed amendments are in effect, the public benefit anticipated as a result of enforcing the amendments to these sections will be the effective administration of sex offender conditions hearings. There will be no effect on small businesses, micro-businesses or rural areas. There is no anticipated economic cost to persons required to comply with the amended rules as proposed. The amendments 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; does not create a new regulation; does not expand, limit, or repeal an existing regulation; 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.

An Economic Impact Statement and Regulatory Flexibility Analysis is not required because the proposed amendments will not have an economic effect on micro-businesses, small businesses, or rural communities as defined in Texas Government Code, Section 2006.001(2).

Comments should be directed to Bettie Wells, General Counsel, Texas Board of Pardons and Paroles, 209 W. 14th Street, Suite 500, Austin, Texas 78701, or by e-mail to bettie.wells@tdcj.texas.gov. Written comments from the general public should be received within 30 days of the publication of this proposal.

The amended rules are proposed under the Texas Constitution, Article 4, Section 11, and the Code of Criminal Procedure, Article 48.01 and Article 48.03. Article 4, Section 11, Texas Constitution authorizes the Board to make clemency recommendations to the Governor. Articles 48.01 and Article 48.03, Code of Criminal Procedure, authorize the Board to make clemency recommendations to the Governor.

No other statutes, articles, or codes are affected by these amendments.

§143.54. Commutation for Jail Time Served before Sentence for Felony Conviction.

The Board will consider a written application for commutation, on a felony conviction, resulting in credit for time served in jail from the time of sentence only if the applicant has been continuously in jail during the entire period for which the application is made and only upon receipt in writing of the following information from the judge of the court of conviction:

- (1) the name of the convicted defendant;
- (2) the cause number and court in which the conviction occurred;
- (3) a statement that it was the intent of the sentencing judge, at the time of sentencing, that the applicant be given credit for the jail time served, but that such credit was not given through oversight or error, as the case may be;
- (4) a statement of the exact number of days, months, or years which should be credited on the sentence;
- (5) a statement that the applicant was continuously in custody and in jail for the total credit period requested; and
- (6) a request that the Board make favorable recommendation to the Governor that such time credit be allowed.

§143.58. Request of the Governor.

The Board shall investigate and consider a recommendation of commutation of sentence in any case, upon the written request of the Governor as authorized by [Texas] Government Code Section 508.050.

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 October 31, 2025.

TRD-202503962
Richard Gamboa
Technical Writer
Texas Board of Pardons and Paroles
Earliest possible date of adoption: December 14, 2025
For further information, please call: (512) 406-5309



SUBCHAPTER F. REMISSION OF FINES AND FORFEITURES

37 TAC §143.72, §143.74

The Texas Board of Pardons and Paroles proposes amendments to 37 TAC Chapter 143, Subchapter F, concerning remission of fines and forfeitures, §143.72 and §143.74. The amendments proposed are to provide edits for clarity and for uniformity and consistency throughout the rules.

Marsha Moberley, Chair of the Board, determined that for each year of the first five-year period the proposed amendments are in effect, no fiscal implications exist for state or local government as a result of enforcing or administering these sections.

Ms. Moberley also has determined that during the first five years the proposed amendments are in effect, the public benefit anticipated as a result of enforcing the amendments to these sections will be the effective administration of sex offender conditions hearings. There will be no effect on small businesses, micro-businesses or rural areas. There is no anticipated economic cost to persons required to comply with the amended rules as

proposed. The amendments 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; does not create a new regulation; does not expand, limit, or repeal an existing regulation; 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.

An Economic Impact Statement and Regulatory Flexibility Analysis is not required because the proposed amendments will not have an economic effect on micro-businesses, small businesses, or rural communities as defined in Texas Government Code, Section 2006.001(2).

Comments should be directed to Bettie Wells, General Counsel, Texas Board of Pardons and Paroles, 209 W. 14th Street, Suite 500, Austin, Texas 78701, or by e-mail to bettie.wells@tdcj.texas.gov. Written comments from the general public should be received within 30 days of the publication of this proposal.

The amended rules are proposed under the Texas Constitution, Article 4, Section 11, and the Code of Criminal Procedure, Article 48.01 and Article 48.03. Article 4, Section 11, Texas Constitution authorizes the Board to make clemency recommendations to the Governor. Articles 48.01 and Article 48.03, Code of Criminal Procedure, authorize the Board to make clemency recommendations to the Governor.

No other statutes, articles, or codes are affected by these amendments.

§143.72. Remission of Fine after Reprieve.

The Board will consider recommending to the Governor remission of fine after satisfactory completion of a reprieve of fine upon receipt of a written application from the applicant or person acting for the applicant [him] and a recommendation of a majority of the trial officials, to be furnished upon official letterhead of each official.

§143.74. Request of the Governor.

The Board shall consider a written request for remission of fine or forfeiture in any case upon the request of the Governor as authorized by [Texas] Government Code, Section 508.050.

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 October 31, 2025.

TRD-202503963

Richard Gamboa

Technical Writer

Texas Board of Pardons and Paroles

Earliest possible date of adoption: December 14, 2025

For further information, please call: (512) 406-5309



SUBCHAPTER G. RESTORATION OF DRIVER'S LICENSE

37 TAC §143.81

The Texas Board of Pardons and Paroles proposes amendments to 37 TAC Chapter 143, Subchapter G, concerning restoration of driver's license, §143.81. The amendments proposed are to provide edits for sentence structure.

Marsha Moberley, Chair of the Board, determined that for each year of the first five-year period the proposed amendments are in effect, no fiscal implications exist for state or local government as a result of enforcing or administering these sections.

Ms. Moberley also has determined that during the first five years the proposed amendments are in effect, the public benefit anticipated as a result of enforcing the amendments to these sections will be the effective administration of sex offender conditions hearings. There will be no effect on small businesses, micro-businesses or rural areas. There is no anticipated economic cost to persons required to comply with the amended rules as proposed. The amendments 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; does not create a new regulation; does not expand, limit, or repeal an existing regulation; 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.

An Economic Impact Statement and Regulatory Flexibility Analysis is not required because the proposed amendments will not have an economic effect on micro-businesses, small businesses, or rural communities as defined in Texas Government Code, Section 2006.001(2).

Comments should be directed to Bettie Wells, General Counsel, Texas Board of Pardons and Paroles, 209 W. 14th Street, Suite 500, Austin, Texas 78701, or by e-mail to bettie.wells@tdcj.texas.gov. Written comments from the general public should be received within 30 days of the publication of this proposal.

The amended rules are proposed under the Texas Constitution, Article 4, Section 11, and the Code of Criminal Procedure, Article 48.01 and Article 48.03. Article 4, Section 11, Texas Constitution authorizes the Board to make clemency recommendations to the Governor. Articles 48.01 and Article 48.03, Code of Criminal Procedure, authorize the Board to make clemency recommendations to the Governor.

No other statutes, articles, or codes are affected by these amendments.

§143.81. Preliminary Requirements.

The Board will consider recommending to the Governor restoration of a driver's or commercial operator's license only after denial of an application for an occupational driver's or commercial operator's license by the district court having jurisdiction. [;] The [the] applicant must furnish an official statement of the reason(s) for the court's denial.

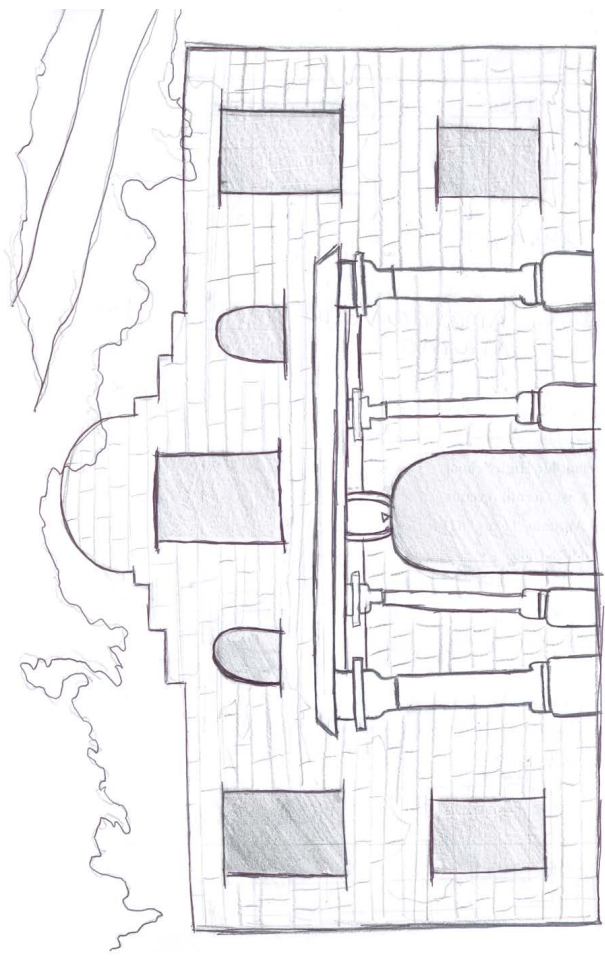
The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on October 31, 2025.

TRD-202503964

Richard Gamboa
Technical Writer
Texas Board of Pardons and Paroles
Earliest possible date of adoption: December 14, 2025
For further information, please call: (512) 406-5309





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 34. PUBLIC FINANCE

PART 1. COMPTROLLER OF PUBLIC ACCOUNTS

CHAPTER 9. PROPERTY TAX ADMINISTRATION

SUBCHAPTER O. TEXAS JOBS, ENERGY, TECHNOLOGY AND INNOVATION PROGRAM

34 TAC §§9.5002, 9.5005, 9.5008, 9.5009

The Comptroller of Public Accounts withdraws proposed amendments to 34 TAC §§9.5002, 9.5005, 9.5008, and 9.5009 which

appeared in the August 29, 2025, issue of the *Texas Register* (50 TexReg 5630).

Filed with the Office of the Secretary of State on October 27, 2025.

TRD-202503899

Victoria North

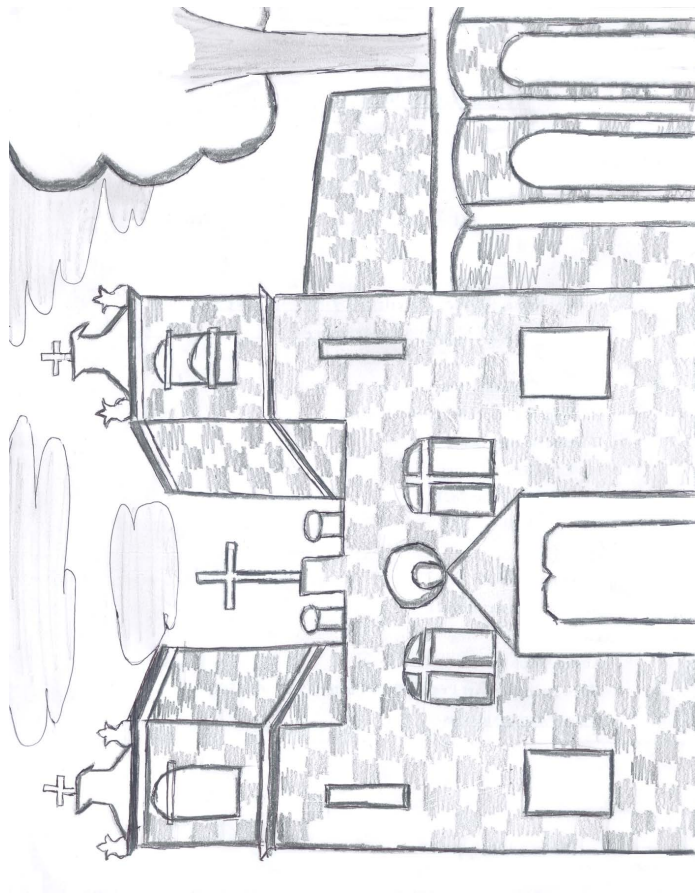
General Counsel for Fiscal and Agency Affairs

Comptroller of Public Accounts

Effective date: October 27, 2025

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





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 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 commissioner of insurance adopts amendments to 28 TAC §3.3052, concerning standards for termination of insurance provision. The amendments are adopted without changes to the proposed text published in the August 22, 2025, issue of the *Texas Register* (50 TexReg 5422). The rule will not be republished.

REASONED JUSTIFICATION. The amendments to §3.3052 are necessary to implement Insurance Code §1201.059 as amended by House Bill 446, 88th Legislature, 2023, which updated references to "mental retardation" in the Insurance Code. Insurance Code §1201.059 addresses termination of coverage based on a child's age in an accident and health insurance policy. The amendments to §3.3052 replace the term "mental retardation" in subsection (h)(1) with "intellectual disability."

In a separate rulemaking, as part of the implementation of HB 446, TDI proposed amendments to 28 TAC §19.1703 and §19.2003, concerning utilization reviews for health care, to similarly update references to "mental retardation." The Chapter 19 proposed amendments were also published in the August 22, 2025, issue of the *Texas Register* (50 TexReg 5423). The adopted Chapter 19 amendments are also published in this issue of the *Texas Register*.

In addition, the amendments include nonsubstantive rule drafting and formatting changes to conform §3.3052 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 subsections (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 (f).

SUMMARY OF COMMENTS. TDI provided an opportunity for public comment on the rule proposal for a period that ended on

September 22, 2025. TDI did not receive any comments on the proposed amendments.

STATUTORY AUTHORITY. The commissioner adopts amended §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 Insurance Code 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.

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 October 29, 2025.

TRD-202503942

Jessica Barta

General Counsel

Texas Department of Insurance

Effective date: November 18, 2025

Proposal publication date: August 22, 2025

For further information, please call: (512) 676-6555

CHAPTER 19. LICENSING AND REGULATION OF INSURANCE PROFESSIONALS

The commissioner of insurance adopts amendments to 28 TAC §19.1703 and §19.2003, concerning utilization reviews for health care. The §19.1703 amendments are adopted without changes, and the §19.2003 amendments are adopted with nonsubstantive changes to the proposed text published in the August 22, 2025, issue of the *Texas Register* (50 TexReg 5423). Section 19.2003 will be republished.

REASONED JUSTIFICATION. The amendments are necessary to update the definition of "person" in §19.1703(b)(22) and replace the term "mental retardation" with "intellectual disability" in §19.2003(b)(25), in alignment with House Bill 446, 88th Legislature, 2023, which updated the definition of "person" in Insurance Code §1305.004.

In a separate rulemaking, as part of the implementation of HB 446, TDI proposed amendments to 28 TAC §3.3052, concerning standards for termination of insurance provision, to similarly update references to the term "mental retardation." The proposed amendments to Chapter 3 were also published in the August 22,

2025, issue of the *Texas Register* (50 TexReg 5422), and the adopted Chapter 3 amendments are also published in this issue of the *Texas Register*.

In addition, the amendments to §19.1703 and §19.2003 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 related punctuation updates in subsection (b)(22); removing a comma from subsection (b)(11); 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); adding a comma in subsection (b)(2); inserting the title of a cited Government Code provision in subsection (b)(16)(A); italicizing *Diagnostic and Statistical Manual of Mental Disorders* in subsection (b)(22); inserting necessary punctuation updates related to the change in subsection (b)(25); changing "prior to" to "before" in subsection (b)(28)(A) - (C) for plain language purposes; and removing an incorrect comma in subsection (b)(30). The text of subsection (b)(25) as proposed has been changed to correct punctuation by replacing commas with semicolons.

SUMMARY OF COMMENTS. TDI provided an opportunity for public comment on the rule proposal for a period that ended on September 22, 2025. TDI did not receive any comments on the proposed amendments.

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. The commissioner adopts amended §19.1703 under Insurance Code §4201.003 and §36.001.

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

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 October 29, 2025.

TRD-202503944

Jessica Barta

General Counsel

Texas Department of Insurance

Effective date: November 18, 2025

Proposal publication date: August 22, 2025

For further information, please call: (512) 676-6555

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

28 TAC §19.2003

STATUTORY AUTHORITY. The commissioner adopts amended §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 Insurance Code Chapter 1305.

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

§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*.

(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 center; mental health and intellectual disability 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 issuing a prospective, concurrent, or retrospective utilization review adverse determination:

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

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

(C) before 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 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 October 29, 2025.

TRD-202503945

Jessica Barta

General Counsel

Texas Department of Insurance

Effective date: November 18, 2025

Proposal publication date: August 22, 2025

For further information, please call: (512) 676-6555

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TITLE 31. NATURAL RESOURCES AND CONSERVATION

PART 1. GENERAL LAND OFFICE

CHAPTER 19. OIL SPILL PREVENTION AND RESPONSE

SUBCHAPTER A. GENERAL PROVISIONS

31 TAC §19.6, §19.7

The General Land Office (GLO) adopts the amendments to Texas Administrative Code, Title 31, Part 1, Subchapter A, §19.6 and new §19.7. The new and amended rules are adopted without change to the proposed text published in the August 15, 2025, issue of the *Texas Register* (50 TexReg 5311). The rules will not be republished.

The GLO identified the need for the new rule and amendments during its review of this subchapter's rules, conducted pursuant to Section 2001.039 of the Texas Government Code.

The adopted rule amendments to §19.6 amended the language to ensure it is clear that claims for confidentiality of documentation, records, and information must be done in writing when the item is filed.

The adopted new rule §19.7 was created to address enforcement. The language present in §19.7 is substantially similar to the language present in §19.14(e). Moving the language from the Spill Prevention and Preparedness subchapter of the code to the General Provisions subchapter of the code clarifies that the enforcement provisions are intended to apply to facility owners and operators and all other parties that may cause the release of oil into the coastal environment. Language reciting OSPRA penalty provisions is left out of the language as it is already addressed in the statute and language giving examples of enforcement is deleted because other provisions of these rules can be used to determine when enforcement is appropriate. Additionally, §19.7(a)(2) provides additional factors the commissioner must consider for "any GLO penalty policy."

No public comments were received on the adopted new rule and amendments.

STATUTORY AUTHORITY

The new rule and amendments are adopted under OSPRA, Texas Natural Resources Code, §40.007(a), which give the Commissioner of the GLO the authority to promulgate rules necessary and convenient to the administration of OSPRA, and §40.117(a)(10) & (11), which provides the GLO with the authority to adopt requirements for discharge prevention and response capabilities, equipment, methods, and reporting, criteria for spill response planning and penalties, hearings, and orders.

Texas Natural Resources Code §§40.109 - 40.117 and 40.251 - 40.258 are affected and implemented by the adopted new rule and amendment.

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 November 3, 2025.

TRD-202503967

Jennifer Jones

Chief Clerk and Deputy Land Commissioner
General Land Office

Effective date: November 23, 2025

Proposal publication date: August 15, 2025

For further information, please call: (512) 475-1859



SUBCHAPTER B. SPILL PREVENTION AND PREPAREDNESS

31 TAC §§19.12 - 19.14, 19.20

The General Land Office (GLO) adopts the amendments to Texas Administrative Code, Title 31, Part 1, Subchapter B, §§19.12 - 19.14 and 19.20. The amended rules are adopted without changes to the proposed text as published in the August 15, 2025, issue of the *Texas Register* (50 TexReg 5312). The amended rules will not be republished.

The GLO identified the need for the amendments during its review of this subchapter's rules, conducted pursuant to Section 2001.039 of the Texas Government Code.

The adopted rule amendment to §19.12. amended throughout the entire section the language adds the term "owners" as a party

to which the facility rules will apply to ensure that it is clear that "owners or operators," which are specifically defined in §19.2, are responsible for following the rules. This also makes it consistent with other similar provisions in requiring operators to comply with these rules.

The adopted rule amendment to §19.12(a). modified current existing language to clarify terms and more closely reflect the language of OSPRA. Staff has also removed references to "waterfront or offshore facility" and relies upon the term 'facility' which is defined in §19.2(5) as any "waterfront or offshore facility." Use of a defined terms is more concise and ensures the consistent use of defined terms. The terms gathering lines and flow lines has been deleted because these types of structures are not covered by OSPRA certification requirements. The second sentence of this section has been rewritten to clarify that if any part of a site has a "waterfront or offshore facility" than the entire site must be covered by a discharge prevention and response certificate. Language describing what facilities these rules apply is deleted because it directly quotes language from OSPRA and need not be repeated in the rules.

The adopted rule amendment to §19.12(b). removed references to "waterfront or offshore facility" and relies upon the term 'facility' which is defined in §19.2(5) as any "waterfront or offshore facility." Use of a defined terms is more concise and ensures the consistent use of defined terms.

The adopted rule amendment to §19.12(d). added "owners" as a party to which the facility rules will apply to ensure that it is clear that owners and operators are responsible for following the rules. Additional changes include modifying currently existing language to reflect changes to the organizational structure of the General Land Office. Additionally, staff has removed reference to the "/" from the General Land Office website URL because it is an error and not part of the GLO website.

The adopted rule amendment to §19.12(e) and §19.12(g) deleted references to operators and adds the term applicant in its place because this provision generally addresses applicants.

The adopted rule amendment to §19.12(i) modified current existing language to reflect changes to the organizational structure of the General Land Office.

The adopted rule amendment to §19.13 added "owners" as a party to which the facility rules will apply to ensure that it is clear that owners and operators are responsible for following the rules or add the term applicant, where appropriate.

The adopted rule amendment to §19.14 added the term "owners" as a party to which the facility rules will apply to ensure that it is clear that "owners or operators," which is specifically defined in §19.2, responsible for following these rules. This also makes it consistent with other similar provisions in requiring operators to comply with these rules.

The adopted rule amendment to §19.14(a) made non-substantive editorial changes to reflect more commonly used language when addressing electronic forms of communication, to clarify the scope of what may be updated and how, and notes that information about contacting the regional office can be obtained by calling the GLO during business hours. The phrase "or certificate" is added to make clear that the GLO's portal can be used to update application and certificate information. Language has also been added to reflect the means a party may use to acquire access to the secure online portal that certificate holders can use to access and update their information. The adopted rule

amendment also modified existing language to reflect changes to the organizational structure of the General Land Office.

The adopted rule amendment to §19.14(b) deleted language in (b)(2) that relates to audits and inspections when renewing certificates. New language in 12(j) addresses when audits and inspections will or may be performed including for purposes of renewal.

The adopted rule amendment deleted §19.14(e) which had been moved, in part, to new §19.7. The placement of the penalty provisions in §19.14(e) limits the enforcement of these provisions to the certification of facilities. However, the terms of enforcement as outlined in OSPRA also apply to spill response planning and responses to oil spills. Therefore, §19.14(e) has been deleted and replaced by new §19.7 that contains substantially similar language and will have broader application than placement within this subchapter.

The adopted rule amendment to §19.20(e) modified language relating to discharge cleanup industrial organization certifications to increase the term to 5-years, which is consistent with other certificates under OSPRA.

No public comments were received on the adopted rule amendments.

STATUTORY AUTHORITY

The amendments are adopted under OSPRA, Texas Natural Resources Code, §40.007(a), which give the Commissioner of the GLO the authority to promulgate rules necessary and convenient to the administration of OSPRA, and §40.117(a)(1) - §40.117(a)(4), §40.117(a)(6) and §40.117(a)(11), which provides the GLO with the authority to adopt requirements for discharge prevention and response capabilities, equipment, methods, and reporting, criteria for spill response planning, and certification of discharge clean up organizations.

Texas Natural Resources Code §§40.109 - 40.117 and 40.251 - 40.258 are affected and implemented by the adopted amendment to the rule.

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 November 3, 2025.

TRD-202503968

Jennifer Jones

Chief Clerk and Deputy Land Commissioner

General Land Office

Effective date: November 23, 2025

Proposal publication date: August 15, 2025

For further information, please call: (512) 475-1859



SUBCHAPTER C. SPILL RESPONSE

31 TAC §19.33, §19.34

The General Land Office (GLO) adopts the amendments to Texas Administrative Code, Title 31, Part 1, Subchapter C, §19.33 and §19.34. The amended rules are adopted without change to the proposed text as published in the August 15,

2025, issue of the *Texas Register* (50 TexReg 5319). The amended rules will not be republished.

No public comments were received on the adopted rule amendments.

The GLO identified the need for the amendments during its review of this subchapter's rules, conducted pursuant to Section 2001.039 of the Texas Government Code.

The adopted rule amendment to §19.33 is editorial in nature and does not change a substantive requirement of the rule. It changes the term "insure" to "ensure" to accurately reflect that state on-scene coordinator must make sure that response activities comply with applicable requirements.

The adopted rule amendment to §19.34 deleted §19.34(g), which describes the duties of a responsible party. The purpose of §19.34(g) addressed by the currently existing rules in §19.33(e) which describes response activities.

STATUTORY AUTHORITY

The amendments are adopted under OSPRA, Texas Natural Resources Code, §40.007(a), which give the Commissioner of the GLO the authority to promulgate rules necessary and convenient to the administration of OSPRA, and §40.117(a)(1) - §40.117(a)(4) & §40.117(a)(11), which provides the GLO with the authority to adopt requirements for discharge prevention and response capabilities, equipment, methods, and reporting, criteria for spill response planning and penalties, hearings, and orders.

Texas Natural Resources Code §§40.109 - 40.117 and 40.251 - 40.258 are affected and implemented by the adopted amendment to the rule.

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 November 3, 2025.

TRD-202503969

Jennifer Jones

Chief Clerk and Deputy Land Commissioner

General Land Office

Effective date: November 23, 2025

Proposal publication date: August 15, 2025

For further information, please call: (512) 475-1859



SUBCHAPTER D. COMPENSATION AND LIABILITY

31 TAC §§19.51, 19.53, 19.55

The General Land Office (GLO) adopts the amendments to Texas Administrative Code, Title 31, Part 1, Subchapter D, §§19.51, 19.53 and 19.55. The amended rules are adopted without change to the proposed text as published in the August 15, 2025, issue of the *Texas Register* (50 TexReg 5321). The amended rules will not be republished.

No public comments were received on the adopted rule amendments.

The GLO identified the need for the amendments during its review of this subchapter's rules, conducted pursuant to Section 2001.039 of the Texas Government Code.

The adopted rule amendment to §19.51. clarified that the GLO relies upon the appropriation of funds by the Texas Legislature to provide reimbursements of this nature. Staff feels it is necessary to provide clarity to ensure that applicants under this provision understand that funds may not be available, or reimbursement may be delayed until the legislature appropriates monies from the fund that are necessary to provide reimbursement. In addition, the adopted amendment also added a requirement for obtaining reimbursements from the coastal protection fund. Reimbursement will not be available to a state agency unless the agency has obtained prior written approval from the GLO's "State On Scene Coordinator."

The adopted rule amendment to §19.53(a). is similar to amendments to §19.51, the proposed amendment provides editorial clarification to ensure clarity about the GLO's ability to reimburse funds through claims reimbursement procedures, which depends upon a sufficient legislative appropriation from the coastal protection fund.

The adopted rule amendment to §19.55(a) - §19.55(b). implemented non-substantive editorial changes to ensure consistency with references made throughout the rules. The removal of the phrase "coastal protection" from "coastal protection fund" ensures greater consistency and throughout the rules and relies upon the definition of the term in §19.2(6).

STATUTORY AUTHORITY

The amendments are adopted under OSPRA, Texas Natural Resources Code, §40.007(a), which give the Commissioner of the GLO the authority to promulgate rules necessary and convenient to the administration of OSPRA, and §40.157(c), which provides the GLO with the authority to adopt requirements for discharge prevention and response capabilities, equipment, methods, and reporting, criteria for spill response planning and penalties, hearings, and orders.

Texas Natural Resources Code §§40.109 - 40.117 and 40.251 - 40.258 are affected and implemented by the adopted amendment to the rule.

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 November 3, 2025.

TRD-202503970

Jennifer Jones

Chief Clerk and Deputy Land Commissioner

General Land Office

Effective date: November 23, 2025

Proposal publication date: August 15, 2025

For further information, please call: (512) 475-1859



SUBCHAPTER E. VESSELS

31 TAC §19.60, §19.61

The General Land Office (GLO) adopts the amendments to Texas Administrative Code, Title 31, Part 1, Subchapter E,

§19.60 and §19.61. The amended rules are adopted without change to the proposed text as published in the August 15, 2025, issue of the *Texas Register* (50 TexReg 5324). The amended rules will not be republished.

No public comments were received on the adopted rule amendments.

The GLO identified the need for the amendments during its review of this subchapter's rules, conducted pursuant to Section 2001.039 of the Texas Government Code.

The adopted rule amendment to §19.60(c)(2). modified language to reflect current organizational structures and operations and makes non-substantive edits to ensure consistency and readability throughout the rules. The proposed amendment specifically modifies the description to reflect the appropriate divisions within the GLO and removes references to faxes which are not currently employed by the GLO in the fashion outlined within this provision.

The adopted rule amendment to §19.61(a) - §19.61(b). deletes language related to providing information to the GLO and makes non-substantive editorial changes to reflect current organizational operations, ensure it is sufficiently clear what is required in a vessel response plan and which parties are required to submit information under a plan, how this information may be updated, and notes that information about contacting the regional office can be obtained by calling the GLO during business hours. The submittal of information section in subsection (b) has been deleted and replaced with language substantial similar to the modified language in §19.14(a)(1) and §19.14(a)(2) which updates the requirements for submitting information to the GLO.

STATUTORY AUTHORITY

The amendments are adopted under OSPRA, Texas Natural Resources Code, §40.007(a), which give the Commissioner of the GLO the authority to promulgate rules necessary and convenient to the administration of OSPRA, and §40.117(a)(1) - §40.117(a)(4), which provides the GLO with the authority to adopt requirements for discharge prevention and response capabilities, equipment, methods, and reporting, criteria for spill response planning and penalties, hearings, and orders.

Texas Natural Resources Code §§40.109 - 40.117 and 40.251 - 40.258 are affected and implemented by the adopted amendment to the rule.

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 November 3, 2025.

TRD-202503971

Jennifer Jones

Chief Clerk and Deputy Land Commissioner

General Land Office

Effective date: November 23, 2025

Proposal publication date: August 15, 2025

For further information, please call: (512) 475-1859



PART 4. SCHOOL LAND BOARD

CHAPTER 151. OPERATIONS OF THE SCHOOL LAND BOARD

31 TAC §151.1

The School Land Board (Board) adopts the amendments to Texas Administrative Code, Title 31, Part 4, Chapter 151, §151.1, relating to School Land Board Meeting Administration. The amended rules are adopted without change to the proposed text as published in the August 15, 2025, issue of the *Texas Register* (50 TexReg 5327). The amended rules will not be republished.

During the review of its Chapter 151 rules, under §2001.039 of the Texas Government Code, the Board identified the need for these proposed amendments. At its June 3, 2025 meeting, the Board unanimously approved the readoption of Chapter 151, with amendments. The adopted rule amendments to §151.1(a) and §151.1(b) updated terminology and added clarifying language.

The adopted rule amendments to §151.1(c) affirm that the Board policy of encouraging public participation at its meetings. The amendments clearly state that the public may address the Board during a meeting, on matters within Board authority, at the physical location of the meeting, during the public comment period. Members of the public will be required to identify themselves when speaking.

The adopted rule amendments to §151.1(d) - §151.1(h) and §151.1(j). have been deleted as outdated or unnecessary.

The adopted rule amendments to §151.1(i). was amended to change its designation to 151.1(d) and delete text duplicative of what is already provided by statute.

No public comments were received on the adopted rule amendments.

STATUTORY AUTHORITY

The amendment is adopted under Texas Natural Resources Code 32.205. This section authorizes the Board to adopt rules to carry out the provisions of Chapter 32 of the Texas Natural Resources Code, which sets out the powers and duties of the Board, among other things. The Board hereby certifies that Jeff Gordon, GLO General Counsel, has reviewed the adoption and found it to be a valid exercise of the Board's legal authority.

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 October 28, 2025.

TRD-202503906

Jennifer Jones

Chief Clerk and Deputy Land Commissioner
School Land Board

Effective date: November 17, 2025

Proposal publication date: August 15, 2025

For further information, please call: (512) 475-1859



CHAPTER 155. LAND RESOURCES SUBCHAPTER A. COASTAL PUBLIC LANDS

31 TAC §155.3

The School Land Board (SLB) adopts the amendments to Texas Administrative Code, Title 31, Part 4, Chapter 155, Land Resources, Subchapter A - Coastal Public Lands, §155.3, relating to Easements. The amended rules are adopted without change to the proposed text as published in the August 15, 2025, issue of the *Texas Register* (50 TexReg 5329). The amended rules will not be republished.

No public comments were received on the adopted rule amendments.

During the review of its Chapter 155 rules, under §2001.039 of the Texas Government Code, the Board identified the need for these proposed amendments. At its June 3, 2025 meeting, the Board approved publication and readoption of the proposed amendments.

BACKGROUND AND SECTION ANALYSIS OF THE ADOPTED AMENDMENTS TO §155.3.

Under Chapter 33.103 and 33.111 of the Natural Resources Code, the School Land Board (SLB) is authorized to issue easements for the use of coastal public lands. The purpose of 31 TAC 155 is to address how coastal public lands will be managed by the SLB. The adopted amendments corrected references that refer to incorrect citations within the rule.

Adopted amendment to TAC §155.3(f)(3) corrected an incorrect reference. The current rule requires applicants for an easement on coastal public lands to mitigate for impacts which are unavoidable. The current reference points the reader to TAC §155.3(b), which requires applicants to obtain permits required for a proposed project. Instead, it should point the reader to TAC §155.3(g), which addresses the mitigation sequences that an applicant must follow to avoid impacts.

Adopted amendment(s) to TAC §155.3(g)(3) also corrected an incorrect reference. The current rule provides that an applicant, who is unable to avoid impacts to coastal public land, must mitigate for the impacts and/or pay a resource impact fee. The current reference points the reader to TAC §155.15(b)(6), which addresses the treatment of rental adjustments. Instead, it should point the reader to TAC §155.15(b)(3), which discusses the resource impact fee.

STATUTORY AUTHORITY

The amendments are adopted under Texas Natural Resources Code, §33.064 that provides the SLB with the authority to adopt procedural and substantive rules concerning administration, implementation and enforcement of this chapter.

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 November 3, 2025.

TRD-202503972

Jennifer Jones

Chief Clerk and Deputy Land Commissioner
School Land Board

Effective date: November 23, 2025

Proposal publication date: August 15, 2025

For further information, please call: (512) 475-1859

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TITLE 34. PUBLIC FINANCE

PART 1. COMPTROLLER OF PUBLIC ACCOUNTS

CHAPTER 9. PROPERTY TAX ADMINISTRATION

SUBCHAPTER O. TEXAS JOBS, ENERGY, TECHNOLOGY AND INNOVATION PROGRAM

34 TAC §9.5001, §9.5004

The Comptroller of Public Accounts adopts amendments to §9.5001, concerning applicant eligibility requirements, and §9.5004 concerning application process. The amendments to §9.5001 are adopted without changes to the proposed text as published in the August 29, 2025, issue of the *Texas Register* (50 TexReg 5630). This rule will not be republished. The amendments to §9.5004 are adopted with changes to the proposed text as published in the August 29, 2025, issue of the *Texas Register* (50 TexReg 5630). This rule will be republished. In a separate submission, the comptroller is withdrawing the following based on a comment: proposed amendments to §9.5002, concerning application requirements; §9.5005, concerning agreement for limitation on taxable value of eligible property; §9.5008, concerning job and wage requirements; penalty for failure to comply with job or wage requirement; and §9.5009, concerning biennial compliance report. These proposed amendments addressed the renumbering of Government Code, §§403.601-605.

The amendments to §9.5001 align with the statutory changes from House Bill 1620, 89th Legislature, R.S., 2025, which expanded the ineligibility criteria to cover Chapters 2275 and 2276, Government Code in Section 403.606.

The amendment to §9.5004 clarifies that once the comptroller issues a recommendation, an applicant may modify their application before agreement execution only if the comptroller's recommendation is positive.

The comptroller received a comment from Texas Taxpayers and Research Association (TTARA) regarding adoption of the amendments related to the renumbering of Government Code, §§403.601-605, noting that those changes have not been reflected on Texas Legislature Online. Following the comment and subsequent review, the comptroller has decided to withdraw the proposed amendments to §§9.5002, 9.5005, 9.5008, and 9.5009 pertaining to the renumbering of Government Code, §§403.601-605. The comptroller has also updated §9.5004(e) to align with the comment. No additional comments were received.

The amendments are adopted under Government Code, §403.623, which requires the comptroller to adopt rules necessary to implement the Texas Jobs, Energy, Technology and Innovation Act.

The amendments implement Government Code, Chapter 403, Subchapter T, concerning the Texas Jobs, Energy, Technology and Innovation Act.

§9.5004. Application Process.

(a) An applicant must submit an application for a limitation on taxable value of eligible property in the form and manner prescribed

by the comptroller. The comptroller may require applications to be submitted electronically.

(b) After the eligibility of the applicant is assessed in §9.5001 of this chapter, the comptroller shall review an application to determine if it is administratively complete. An application is considered administratively complete when it includes all the information requested by the comptroller.

(c) The comptroller shall provide notice of an administratively complete application to the applicant, the governor and the applicable school district. The comptroller may provide notice electronically.

(d) If an application is not administratively complete, the comptroller may require an applicant to submit the necessary information by a deadline.

(e) To assess whether a project proposed in an application is an eligible project, the comptroller must find that:

- (1) an applicant satisfies the application requirements;
- (2) the proposed project meets the definition of eligible project in §9.5000 of this title and Government Code, §403.602(8); and
- (3) The applicant is willing to agree and accept the terms described in Government Code, §403.604, and the agreement terms.

(f) To assess whether an agreement is a compelling factor and whether the applicant would make the proposed investment in the absence of the agreement under Government Code, §403.609(b)(3), the comptroller may consider:

- (1) any public documents and statements relating to the applicant, the proposed project or the proposed eligible property that is subject to the application;
- (2) official statements by the applicant, government officials or industry officials concerning the proposed project;
- (3) alternative sites and prospects explored including any specific incentive information;
- (4) any information concerning the proposed project's impact on the Texas economy;
- (5) previous applications for and subsequent granting of economic development incentives;
- (6) documents pertaining to the proposed project's financials, real estate transactions, utilities, infrastructure, transportation, regulatory environment, permits, workforce, marketing, existing facilities, nature of market conditions, and raw materials that demonstrate whether the incentive is a compelling factor in a competitive site selection process to locate the proposed project in Texas; and
- (7) any other information that may aid the comptroller in its determination.

(g) Upon request, the comptroller may require that an applicant provides additional documents to demonstrate a compelling factor in a competitive site selection process to locate the proposed project in Texas. Failure to provide these documents may result in the comptroller being unable to make a recommendation under Government Code, §403.609.

(h) Within 60 days of an application being deemed complete, the comptroller shall examine and determine whether the application should be recommended or not recommended for approval based on the criteria in Government Code, §403.609(b).

(i) The comptroller shall provide written notice of action under Government Code, §403.609(a), to the applicant, the governor and the applicable school district.

(1) The notice shall indicate the comptroller's recommendation either for approval or non-approval of the application along with a copy of the application, and all documents or information relied upon to make the findings prescribed by Government Code, §403.609(b).

(2) A recommendation for approval shall specify a performance bond amount that is 10% of the estimated gross tax benefit to the applicant.

(j) An applicant may submit an amended or supplemental application to the comptroller at any time after the submission of the original application. If an applicant modifies an application that previously received a positive comptroller recommendation prior to the execution of the agreement, the applicant must submit said modifications to the comptroller to make a recommendation pursuant to Government Code, §403.609, before the agreement can be executed.

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 October 27, 2025.

TRD-202503900

Victoria North

General Counsel for Fiscal and Agency Affairs

Comptroller of Public Accounts

Effective date: November 16, 2025

Proposal publication date: August 29, 2025

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



TITLE 37. PUBLIC SAFETY AND CORRECTIONS

PART 5. TEXAS BOARD OF PARDONS AND PAROLES

CHAPTER 145. PAROLE

SUBCHAPTER A. PAROLE PROCESS

37 TAC §§145.3, 145.13, 145.15, 145.18

The Texas Board of Pardons and Paroles (Board) adopts amendments to 37 TAC Chapter 145, Subchapter A. §§145.3, 145.13, 145.15, and 145.18 concerning parole process. Section 145.15 and §145.18 are adopted with substantive changes to the proposed text as published in the August 29, 2025 issue of the *Texas Register* (50 TexReg 5667) and will be republished. Section 145.3 and §145.13 are adopted without changes and will not be republished.

No public comments were received regarding adoption of these amendments.

The amendments are proposed pursuant to Senate Bill 1506, 89th Legislative Session (2025) regarding the reconsideration of parole after the first anniversary date of denial.

No comments were received on the proposed amendments.

The amendments are adopted under §§508.036 and 508.0441, Texas Government Code. Section 508.036 requires the Board to adopt rules relating to the decision-making processes used by the Board and parole panels; and §508.0441 provides the Board with the authority to consider and order release on parole or mandatory supervision.

§145.15. *Action upon Review; Extraordinary Vote (SB 45).*

(a) This section applies to any offender convicted of or serving a sentence for a capital felony, other than a life sentence, an offense under Sections 20A.03, 21.02, or 21.11(a)(1), Penal Code, or who is required under Section 508.145(c), Government Code to serve 35 calendar years before becoming eligible for parole review. All members of the Board shall vote on the release of an eligible offender. At least two-thirds of the members must vote favorably for the offender to be released to parole. Members of the Board shall not vote until they receive and review a copy of a written report from the department on the probability of the offender committing an offense after being released.

(1) Upon review, use of the full range of voting options is not conducive to determining whether two-thirds of the Board considers the offender ready for release to parole.

(2) If it is determined circumstances favor the offender's release to parole the Board has the following voting options available:

(A) FI-1--Release the offender when eligible;

(B) FI-4 R (Month/Year)--Transfer to a TDCJ rehabilitation program. Release to parole only after program completion and not earlier than four (4) months from specified date. Such TDCJ program shall be the Sex Offender Education Program (SOEP);

(C) FI-9 R (Month/Year)--Transfer to a TDCJ rehabilitation program. Release to parole only after program completion and not earlier than nine (9) months from specified date. Such TDCJ program shall be the Sex Offender Treatment Program (SOTP-9); or

(D) FI-18 R (Month/Year)--Transfer to a TDCJ rehabilitation treatment program. Release to parole only after program completion and no earlier than eighteen months from the specified date. Such TDCJ program may include the Sex Offender Treatment Program (SOTP-18. In no event shall the specified date be set more than three (3) years from the current panel decision date.

(3) If it is determined that circumstances do not support a favorable action upon review, the following options are available:

(A) NR (Month/Year)--Deny release and set the next review date for 36 or 60 months following the panel decision date; or

(B) SA--The offender's minimum or maximum expiration date is less than 60 months away. The offender will continue to serve their sentence until that date.

(b) If the offender is sentenced to serve consecutive sentences and each sentence in the series is for an offense committed on or after September 1, 1987, the following voting options are available to the Board panel:

(1) CU/FI (Month/Year-Cause Number)--A favorable parole action that designates the date an offender would have been released if the offender had been sentenced to serve a single sentence;

(2) CU/NR (Month/Year-Cause Number)--Deny release and set the next review date for 36 or 60 months following the panel decision date; or

(3) CU/SA (Month/Year-Cause Number)--Deny release and order serve-all if the offender is within 60 months of their maximum expiration date.

(c) Some offenders are eligible for consideration for release to Discretionary Mandatory Supervision if the sentence is for an offense committed on or after September 1, 1996. Prior to the offender reaching the projected release date, the voting options are the same as those listed in subsections (a) and (b) of this section. If the TDCJ-CID determines that release of the offender will occur because the offender will reach the projected release date, the case shall be referred to a three-member parole panel within 30 days of the offender's projected release date for consideration for release to mandatory supervision using the following options:

(1) RMS--Release to mandatory supervision; or

(2) DMS (Month/Year)--Deny release to mandatory supervision and set for review on a future specific month and year. The next mandatory supervision review date shall be set one (1) year from the panel decision date.

(d) The MRIS panel shall review identified offender's cases that meet MRIS criteria established by statute and defined by TCOOMMI.

(1) The MRIS panel shall determine whether the identified offender constitutes a threat to public safety.

(2) The MRIS panel shall consider the following factors when making their determination:

(A) Criminal History.

(B) Disciplinary, behavioral, rehabilitative, and medical compliance.

(C) Victim/Trial Official information.

(D) Nature and onset of medical condition.

(E) Required medical treatment and care.

(F) Individual diagnosis to include likelihood of recovery.

(G) Any other relevant information.

(3) The MRIS panel shall use one of the following voting options:

(A) Approve MRIS--The MRIS panel shall provide appropriate reasons for the decision to approve MRIS. The MRIS panel shall vote FI-1 and impose special condition "O.35." This condition specifies that the offender shall comply with the terms and conditions of the MRIS program and abide by the (TCOOMMI)-approved release plan. At any time this condition is in effect, an offender shall remain under the care of a physician and in a medically suitable placement"; or

(B) Deny MRIS--The MRIS panel shall provide appropriate reasons for the decision to deny MRIS.

(4) The decision to approve release to MRIS for an identified offender remains in effect until specifically withdrawn by a MRIS panel or the identified offender's status is revoked and returned to TDCJ-CID.

(5) When the Parole Division receives information from a medical provider that the MRIS offender's medical condition has improved such that the offender is no longer MRIS eligible and the original parole eligibility date (PED) has been met, the MRIS panel may:

(A) withdraw the MRIS special condition, or

(B) continue the MRIS condition in effect; or

(C) impose any other condition the MRIS panel deems appropriate.

(6) If the MRIS offender violates their conditions of release that result in the issuance of a pre-revocation warrant, the MRIS offender shall adhere to the established pre-revocation process. However, the final determination of the MRIS offender shall be addressed by the MRIS panel.

(7) The MRIS panel shall endeavor to complete the voting of each terminally ill offender referral within 10 business days of receipt from TCOOMMI and all other referrals within 20 business days.

(e) If a request for a special review meets the criteria set forth in §145.17(f) of this title (relating to Action upon Special Review--Release Denied), the offender's case shall be sent to the special review panel.

(1) The special review panel may take action as set forth in §145.17(i) of this title.

(2) When the special review panel decides the offender's case warrants a special review, the case shall be re-voted by the full Board. The Presiding Officer shall determine the order of the voting panel. Voting options are the same as those in subsections (a) - (c) of this section.

§145.18. *Action upon Review; Extraordinary Vote (HB 1914).*

(a) This section applies to any offender convicted of or serving a sentence for a capital felony, other than a life sentence, who is eligible for parole, or convicted of or serving sentence for an offense under Section 22.021, Penal Code. All members of the Board shall vote on the release of an eligible offender. At least two-thirds of the members must vote favorably for the offender to be released to parole. Members of the Board shall not vote until they receive and review a copy of a written report from the TDCJ on the probability of the offender committing an offense after being released.

(1) Upon review, use of the full range of voting options is not conducive to determining whether two-thirds of the Board considers the offender ready for release to parole.

(2) If it is determined circumstances favor the offender's release to parole the Board has the following voting options available:

(A) FI-1--Release the offender when eligible;

(B) FI-4 R (Month/Year)--Transfer to a TDCJ rehabilitation program. Release to parole only after program completion and not earlier than four (4) months from specified date. Such TDCJ program shall be the Sex Offender Education Program (SOEP);

(C) FI-9 R (Month/Year)--Transfer to a TDCJ rehabilitation program. Release to parole only after program completion and not earlier than nine (9) months from specified date. Such TDCJ program shall be the Sex Offender Treatment Program (SOTP-9); or

(D) FI-18 R (Month/Year)--Transfer to a TDCJ rehabilitation treatment program. Release to parole only after program completion and no earlier than eighteen months from the specified date. Such TDCJ program may include the Sex Offender Treatment Program (SOTP-18). In no event shall the specified date be set more than three (3) years from the current panel decision date.

(3) If it is determined that circumstances do not support a favorable action upon review, the following options are available:

(A) NR (Month/Year)--Deny release and set the next review date for 36 or 60, 84 or 120 months following the panel decision date; or

(B) SA--The offender's minimum or maximum expiration date is less than 120 months away. The offender will continue to serve their sentence until that date.

(b) If the offender is sentenced to serve consecutive sentences and each sentence in the series is for an offense committed on or after September 1, 1987, the following voting options are available to the Board panel:

(1) CU/FI (Month/Year-Cause Number)--A favorable parole action that designates the date an offender would have been released if the offender had been sentenced to serve a single sentence;

(2) CU/NR (Month/Year-Cause Number)--Deny release and set the next review date for 36 or 60 months following the panel decision date; or

(3) CU/SA (Month/Year-Cause Number)--Deny release and order serve-all if the offender is within 60 months of their maximum expiration date.

(c) Some offenders are eligible for consideration for release to Discretionary Mandatory Supervision if the sentence is for an offense committed on or after September 1, 1996. Prior to the offender reaching the projected release date, the voting options are the same as those listed in subsections (a) and (b) of this section. If the TDCJ-CID determines that release of the offender will occur because the offender will reach the projected release date, the case shall be referred to a three-member parole panel within 30 days of the offender's projected release date for consideration for release to mandatory supervision using the following options:

(1) RMS--Release to mandatory supervision; or

(2) DMS (Month/Year)--Deny release to mandatory supervision and set for review on a future specific month and year. The next mandatory supervision review date shall be set one (1) year from the panel decision date.

(d) The MRIS panel shall review identified offender's cases that meet MRIS criteria established by statute and defined by TCOOMMI.

(1) The MRIS panel shall determine whether the identified offender constitutes a threat to public safety.

(2) The MRIS panel shall consider the following factors when making their determination:

(A) Criminal History.

(B) Disciplinary, behavioral, rehabilitative, and medical compliance.

(C) Victim/Trial Official information.

(D) Nature and onset of medical condition.

(E) Required medical treatment and care.

(F) Individual diagnosis to include likelihood of recovery.

(G) Any other relevant information.

(3) The MRIS panel shall use one of the following voting options:

(A) Approve MRIS--The MRIS panel shall provide appropriate reasons for the decision to approve MRIS. The MRIS panel shall vote F1-1 and impose special condition "O.35". This condition specifies that the offender shall comply with the terms and conditions of the MRIS program and abide by the (TCOOMMI)-approved release

plan. At any time this condition is in effect, an offender shall remain under the care of a physician and in a medically suitable placement; or

(B) Deny MRIS--The MRIS panel shall provide appropriate reasons for the decision to deny MRIS.

(4) The decision to approve release to MRIS for an identified offender remains in effect until specifically withdrawn by a MRIS panel or the identified offender's status is revoked and returned to TDCJ-CID.

(5) When the Parole Division receives information from a medical provider that the MRIS offender's medical condition has improved such that the offender is no longer MRIS eligible and the original parole eligibility date (PED) has been met, the MRIS panel may:

(A) withdraw the MRIS special condition, or

(B) continue the MRIS condition in effect; or

(C) impose any other condition the MRIS panel deems appropriate.

(6) If the MRIS offender violates their conditions of release that result in the issuance of a pre-revocation warrant, the MRIS offender shall adhere to the established pre-revocation process. However, the final determination of the MRIS offender shall be addressed by the MRIS panel.

(7) The MRIS panel shall endeavor to complete the voting of each terminally ill offender referral within 10 business days of receipt from TCOOMMI and all other referrals within 20 business days.

(e) If a request for a special review meets the criteria set forth in §145.17(i) of this title (relating to Action upon Special Review--Release Denied), the offender's case shall be sent to the special review panel.

(1) The special review panel may take action as set forth in §175.17(i) of this title.

(2) When the special review panel decides the offender's case warrants a special review, the case shall be re-voted by the full Board. The Presiding Officer shall determine the order of the voting panel. Voting options are the same as those in subsection (a) - (c) of this section.

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

Filed with the Office of the Secretary of State on October 31, 2025.

TRD-202503965

Richard Gamboa

Technical Writer

Texas Board of Pardons and Paroles

Effective date: November 20, 2025

Proposal publication date: August 8, 2025

For further information, please call: (512) 406-5309



TITLE 40. SOCIAL SERVICES AND ASSISTANCE

PART 19. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES

CHAPTER 705. ADULT PROTECTIVE SERVICES

The Department of Family and Protective Services (DFPS) adopts amendments to 40 Texas Administrative Code (TAC) §§705.101, 705.103, 705.107, 705.303, 705.501, 705.901, 705.903, 705.1101 and 705.1303; adopts new §705.702; and adopts the repeal of §§705.701, 705.703, 705.705, and 705.1501 - 705.1533, in Chapter 705, Adult Protective Services. The proposal was published in the September 26, 2025 issue of the *Texas Register* (50 TexReg 6305). The rules are adopted without changes to the proposed text and will not be republished.

BACKGROUND AND JUSTIFICATION

The purpose of the new, amended, and repealed rules is to reflect the current scope and authority of the APS program as a result of House Bill (H.B.) 4696, 88th Legislature, regular session, and the resulting transfer of Home and Community Support Service Agency (HCSSA) investigations, regardless of payment source (Medicaid, Medicare or private pay) to the Health and Human Services Commission (HHSC). This includes perpetrators eligible for the Employee Misconduct Registry (EMR). All references to the EMR and HHSC are being removed as they are no longer applicable to the APS program. The new, amended, and repealed rules also clean up existing rules related to emergency protective services and nomenclature related to victim/client.

COMMENTS

The 30-day comment period ended October 26, 2025. During this period, DFPS did not receive any comments regarding the amended and repealed rules.

SUBCHAPTER A. DEFINITIONS

40 TAC §§705.101, 705.103, 705.107

STATUTORY AUTHORITY

The adopted amended rules implement H.B. 4696 from the 88th Legislature, regular session.

The modification is adopted under Human Resources Code (HRC) §40.027, which provides that the Department of Family and Protective Services commissioner shall oversee the development of rules relating to the matters within the department's jurisdiction and notwithstanding any other law, shall adopt rules for the operation and provision of services by the department.

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

Filed with the Office of the Secretary of State on October 28, 2025.

TRD-202503908

Sanjuanita Maltos

Rules Coordinator

Department of Family and Protective Services

Effective date: November 17, 2025

Proposal publication date: September 26, 2025

For further information, please call: (512) 945-5978



SUBCHAPTER C. APS PROGRAM OVERVIEW

40 TAC §705.303

STATUTORY AUTHORITY

The adopted amended rule implements H.B. 4696 from the 88th Legislature, regular session.

The modification is adopted under Human Resources Code (HRC) §40.027, which provides that the Department of Family and Protective Services commissioner shall oversee the development of rules relating to the matters within the department's jurisdiction and notwithstanding any other law, shall adopt rules for the operation and provision of services by the department.

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

Filed with the Office of the Secretary of State on October 28, 2025.

TRD-202503909

Sanjuanita Maltos

Rules Coordinator

Department of Family and Protective Services

Effective date: November 17, 2025

Proposal publication date: September 26, 2025

For further information, please call: (512) 945-5978



SUBCHAPTER E. ALLEGATION PRIORITIES

40 TAC §705.501

STATUTORY AUTHORITY

The amended rule implements H.B. 4696 from the 88th Legislature, regular session.

The modification is adopted under Human Resources Code (HRC) §40.027, which provides that the Department of Family and Protective Services commissioner shall oversee the development of rules relating to the matters within the department's jurisdiction and notwithstanding any other law, shall adopt rules for the operation and provision of services by the department.

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

Filed with the Office of the Secretary of State on October 28, 2025.

TRD-202503910

Sanjuanita Maltos

Rules Coordinator

Department of Family and Protective Services

Effective date: November 17, 2025

Proposal publication date: September 26, 2025

For further information, please call: (512) 945-5978



SUBCHAPTER G. ELIGIBILITY

40 TAC §§705.701, 705.703, 705.705

STATUTORY AUTHORITY

The adopted repealed rules implement H.B. 4696 from the 88th Legislature, regular session.

The modification is adopted under Human Resources Code (HRC) §40.027, which provides that the Department of Family and Protective Services commissioner shall oversee the development of rules relating to the matters within the department's jurisdiction and notwithstanding any other law, shall adopt rules for the operation and provision of services by the department.

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

Filed with the Office of the Secretary of State on October 28, 2025.

TRD-202503912
Sanjuanita Maltos
Rules Coordinator
Department of Family and Protective Services
Effective date: November 17, 2025
Proposal publication date: September 26, 2025
For further information, please call: (512) 945-5978



40 TAC §705.702

STATUTORY AUTHORITY

The adopted new rule implements H.B. 4696 from the 88th Legislature, regular session.

The modification is adopted under Human Resources Code (HRC) §40.027, which provides that the Department of Family and Protective Services commissioner shall oversee the development of rules relating to the matters within the department's jurisdiction and notwithstanding any other law, shall adopt rules for the operation and provision of services by the department.

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

Filed with the Office of the Secretary of State on October 28, 2025.

TRD-202503911
Sanjuanita Maltos
Rules Coordinator
Department of Family and Protective Services
Effective date: November 17, 2025
Proposal publication date: September 26, 2025
For further information, please call: (512) 945-5978



SUBCHAPTER I. FAMILY VIOLENCE

40 TAC §705.901, §705.903

STATUTORY AUTHORITY

The adopted amended rules implement H.B. 4696 from the 88th Legislature, regular session.

The modification is adopted under Human Resources Code (HRC) §40.027, which provides that the Department of Family

and Protective Services commissioner shall oversee the development of rules relating to the matters within the department's jurisdiction and notwithstanding any other law, shall adopt rules for the operation and provision of services by the department.

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

Filed with the Office of the Secretary of State on October 28, 2025.

TRD-202503913
Sanjuanita Maltos
Rules Coordinator
Department of Family and Protective Services
Effective date: November 17, 2025
Proposal publication date: September 26, 2025
For further information, please call: (512) 945-5978



SUBCHAPTER K. INVESTIGATIONS

40 TAC §705.1101

STATUTORY AUTHORITY

The adopted amended rule implements H.B. 4696 from the 88th Legislature, regular session.

The modification is adopted under Human Resources Code (HRC) §40.027, which provides that the Department of Family and Protective Services commissioner shall oversee the development of rules relating to the matters within the department's jurisdiction and notwithstanding any other law, shall adopt rules for the operation and provision of services by the department.

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

Filed with the Office of the Secretary of State on October 28, 2025.

TRD-202503914
Sanjuanita Maltos
Rules Coordinator
Department of Family and Protective Services
Effective date: November 17, 2025
Proposal publication date: September 26, 2025
For further information, please call: (512) 945-5978



SUBCHAPTER M. RELEASE HEARINGS

40 TAC §705.1303

STATUTORY AUTHORITY

The adopted amended rule implements H.B. 4696 from the 88th Legislature, regular session.

The modification is adopted under Human Resources Code (HRC) §40.027, which provides that the Department of Family and Protective Services commissioner shall oversee the development of rules relating to the matters within the department's

jurisdiction and notwithstanding any other law, shall adopt rules for the operation and provision of services by the department.

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

Filed with the Office of the Secretary of State on October 28, 2025.

TRD-202503915

Sanjuanita Maltos

Rules Coordinator

Department of Family and Protective Services

Effective date: November 17, 2025

Proposal publication date: September 26, 2025

For further information, please call: (512) 945-5978



SUBCHAPTER O. EMPLOYEE MISCONDUCT REGISTRY

**40 TAC §§705.1501, 705.1503, 705.1505, 705.1507,
705.1509, 705.1511, 705.1513, 705.1515, 705.1517, 705.1519,
705.1521, 705.1523, 705.1525, 705.1527, 705.1529, 705.1531,
705.1533**

STATUTORY AUTHORITY

The adopted repealed rules implement H.B. 4696 from the 88th Legislature, regular session.

The modification is adopted under Human Resources Code (HRC) §40.027, which provides that the Department of Family and Protective Services commissioner shall oversee the development of rules relating to the matters within the department's jurisdiction and notwithstanding any other law, shall adopt rules for the operation and provision of services by the department.

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

Filed with the Office of the Secretary of State on October 28, 2025.

TRD-202503916

Sanjuanita Maltos

Rules Coordinator

Department of Family and Protective Services

Effective date: November 17, 2025

Proposal publication date: September 26, 2025

For further information, please call: (512) 945-5978





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 Commission on Fire Protection

Title 37, Part 13

The Texas Commission on Fire Protection (Commission) files this notice of proposed rule review of 37 Texas Administrative Code, Chapter 433, Driver/Operator, in accordance with Texas Government Code §2001.039. The Commission is reviewing this chapter to determine whether the reasons for initially adopting the rules continue to exist and whether the rules remain necessary, appropriate, and consistent with applicable statutes.

Request for Public Comment

The Commission invites comments from any interested person regarding whether Chapter 433 should be readopted, readopted with amendments, or repealed. Written comments may be submitted within 30 days of publication of this notice in the *Texas Register* to:

Frank King, General Counsel

Texas Commission on Fire Protection

P.O. Box 2286, Austin, Texas 78768

Email: frank.king@tcfp.texas.gov

Statutory Authority

This review is conducted pursuant to Texas Government Code §2001.039 (Agency Review of Existing Rules). The Commission's general rulemaking authority is provided by Texas Government Code §419.008(a).

Cross-Reference to Statute

No other statutes, articles, or codes are affected by this proposed rule review.

TRD-202503988

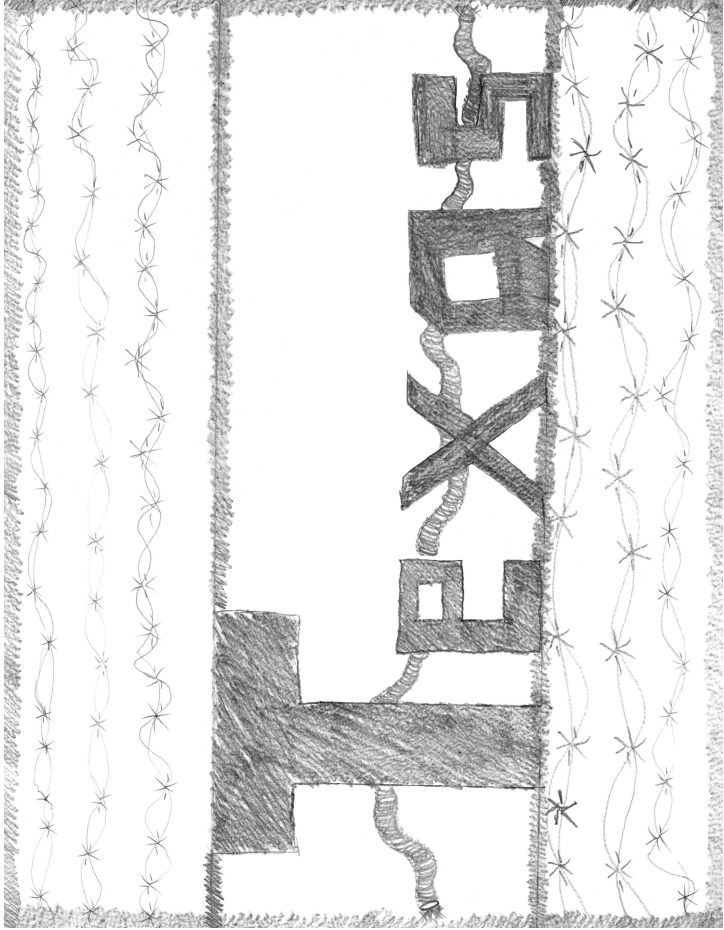
Mike Wisko

Agency Chief

Texas Commission on Fire Protection

Filed: November 4, 2025





IN ADDITION

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

Office of Consumer Credit Commissioner

Notice of Rate Ceilings

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

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 11/10/25 - 11/16/25 is 18.00% for consumer¹ credit.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 11/10/25 - 11/16/25 is 18.00% for commercial² credit.

The monthly ceiling as prescribed by §303.005³ and §303.009 for the period of 11/01/25 - 11/30/25 is 18.00%.

¹ Credit for personal, family, or household use.

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

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

TRD-202503989

Leslie L. Pettijohn

Commissioner

Office of Consumer Credit Commissioner

Filed: November 4, 2025



Texas Education Agency

Request for Applications Concerning the 2026-2027 Nita M. Lowey 21st Century Community Learning Centers (CCLC), Cycle 13, Year 1 Grant Program

Filing Authority. The availability of grant funds under Request for Applications (RFA) #701-26-109 is authorized by Public Law 114-95, Elementary and Secondary Education Act of 1965, as amended by Every Student Succeeds Act (ESSA), Title IV, Part B (20 U.S.C. §§7171-7176).

Eligible Applicants. Texas Education Agency (TEA) is requesting applications under RFA #701-26-109 from eligible applicants, which include local educational agencies, including independent school districts, open-enrollment charter schools, and regional education service centers; community-based organizations, including faith based organizations; Indian tribe or tribal organization (as such terms are defined in the Indian Self-Determination and Education Act (25 U.S.C. 450b), §4); other public or private entities; or a consortium of two or more eligible organizations. Applications must propose to serve campuses that are eligible for schoolwide programs under ESSA, §1114, and the families of such students. A campus is ineligible to be included in a funded application if it meets either of the following conditions: the campus or school was newly opened in the school year 2025-2026 or the campus is a center or center feeder in an active Texas 21st CCLC, Cycle 12 grant program. If an eligible applicant includes one or more ineligible campuses or feeder campuses, TEA may deem the entire application ineligible for peer review. Each eligible applicant may submit only one application for funding up to 10 centers.

Description. The federal Nita M. Lowey 21st CCLC program supports the creation of community learning centers that provide academic enrichment opportunities during non-school hours for children, particularly students who attend high-poverty and low-performing schools. The program helps students meet state and local student standards in core academic subjects, such as reading and math; offers students a broad array of enrichment activities that can complement their regular academic programs; and offers literacy and other educational services to the families of participating children.

Dates of Project. The 2026-2027 Nita M. Lowey 21st CCLC, Cycle 13, Year 1 grant program will be implemented during the 2026-2027 school year. Applicants should plan for a grant start date of no earlier than September 1, 2026, and an ending date of no later than August 31, 2027.

Project Amount. Approximately \$52 million is available for funding the 2026-2027 Nita M. Lowey 21st CCLC, Cycle 13, Year 1 grant program. It is anticipated that approximately 40 grants will be awarded ranging in amounts from \$150,000 to \$2 million each year of the five-year grant cycle. Annual funding after Year 1 ("continuation funding") is contingent on satisfactory progress of prior year compliance with requirements, achievement of stated service and performance targets, general budget approval by the commissioner of education, and appropriations by the United States Congress. Continuation funding requires grantees to submit a noncompetitive continuation grant application each year of the total subgrant period. The noncompetitive continuation grant process requires grantees to conduct an annual needs assessment and use the results of the assessment, TEA monitoring and evaluation, and other relevant data to propose specific improvement strategies designed to increase student outcomes. This project is funded 100% with federal funds.

Selection Criteria. Applications will be selected based on the ability of each applicant to carry out all requirements contained in the RFA. Peer reviewers will evaluate applications based on the overall quality and validity of the proposed grant programs and the extent to which the applications address the primary objectives and intent of the project. Applications must address each requirement as specified in the RFA to be considered for funding. TEA reserves the right to select from the highest-ranking applications those that address all requirements in the RFA.

TEA is not obligated to approve an application, provide funds, or endorse any application submitted in response to this RFA. This RFA does not commit TEA to pay any costs before an application is approved. The issuance of this RFA does not obligate TEA to award a grant or pay any costs incurred in preparing a response.

Applicants' Conference. A pre-recorded webinar will be released on December 5, 2025, by 4:00 p.m. Questions relevant to the RFA may be emailed to Sarah Daly at 21stCentury@tea.texas.gov prior to 5:00 p.m. (Central Time) by November 21, 2025. These questions, along with other information, will be addressed during the webinar. The applicants' conference webinar will be open to all potential applicants and will provide general and clarifying information about the grant program and the RFA.

Requesting the Application. The complete RFA will be posted on the TEA Grant Opportunities web page at <https://tea4avalonzo.tea.state.tx.us/GrantOpportunities/forms/GrantProgramSearch.aspx> for viewing beginning November 14, 2025. In the "Search Options" box, select the name of the RFA from the drop-down list. Scroll down to the "Application and Support Information" section to view and download all documents that pertain to this RFA. The application, including all required attachments, will be completed and submitted through eGrants. Refer to the Program Guidelines of this RFA for more information.

Further Information. In order to make sure that no prospective applicant obtains a competitive advantage because of acquisition of information unknown to other prospective applicants, any and all questions must be submitted in writing to 21stCentury@tea.texas.gov, the TEA email address identified in the Program Guidelines of the RFA, no later than Friday, December 12, 2025. All questions and the written answers thereto will be posted on the TEA Grant Opportunities web page in the format of Frequently Asked Questions (FAQs) by Friday, December 19, 2025. In the "Search Options" box, select the name of the RFA from the drop-down list. Scroll down to the "Application and Support Information" section to view all documents that pertain to this RFA.

Deadline for Receipt of Applications. Applications must be received in eGrants by 11:59 p.m. (Central Time), Monday, February 2, 2026, to be eligible to be considered for funding. TEA will only accept applications submitted through the TEA eGrants system for this opportunity.

Issued in Austin, Texas, on November 5, 2025.

TRD-202503993

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Filed: November 5, 2025

State Board for Educator Certification

Correction of Error

The State Board for Educator Certification proposed amendments to 19 TAC Chapter 229 in the August 15, 2025 issue of the *Texas Register* (50 TexReg 5296).

Due to an error as submitted by the Texas Education Agency, the cross reference to Chapter 228 in 19 TAC §229.4(a)(4)(A)(i) did not follow *Texas Register* style. The text should have read as follows:

(i) For the 2023-2024 and 2024-2025 academic years, individuals will be evaluated against the frequency and duration requirements in Chapter 228 of this title (relating to Requirements for Educator Preparation Programs) [; Subchapter F, of this title (relating to Support for Candidates During Required Clinical Experiences)] that were effective August 31, 2024.

TRD-202503992

Cristina De La Fuente-Valadez

Director, Rulemaking

State Board for Educator Certification

Filed: November 5, 2025

Texas Commission on Environmental Quality

Agreed Orders

The Texas Commission on Environmental Quality (TCEQ, agency, or commission) staff is providing an opportunity for written public com-

ment 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 **December 17, 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 physical copy of each proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building C, 1st Floor, Austin, Texas 78753, (512) 239-2545 and at the applicable regional office listed as follows. Additionally, copies of the proposed AO can be found online by using either the Chief Clerk's eFiling System at <https://www.tceq.texas.gov/goto/efilings> or the TCEQ Commissioners' Integrated Database at <https://www.tceq.texas.gov/goto/cid>, and searching either of those databases with the proposed AO's identifying information, such as its docket number. Written comments about an AO should be sent to the enforcement coordinator designated for each AO at the commission's central office at Enforcement Division, MC 128, P.O. Box 13087, Austin, Texas 78711-3087 and must be postmarked by 5:00 p.m. on **December 17, 2025**. Written comments may also be sent to the enforcement coordinator by email to ENFCOMNT@tceq.texas.gov or by facsimile machine at (512) 239-2550. The commission enforcement coordinators are available to discuss the AOs and/or the comment procedure at the listed contact information; however, TWC, §7.075 provides that comments on the AOs shall be submitted to the commission in writing.

(1) COMPANY: 7-ELEVEN, INC. dba 7-Eleven Store 40804, dba 7-Eleven Store 40805, dba 7-Eleven Store 40806, dba 7-Eleven Store 40802, dba 7-Eleven Store 40811, dba 7-Eleven Store 41699, and dba 7-Eleven Store 33964; DOCKET NUMBER: 2021-0845-PST-E; IDENTIFIERS: RN102251477, RN102352937, RN102353125, RN102353307, RN104605761, RN102358447, and RN106116882; LOCATION: Nixon, Gonzales County; TYPE OF FACILITIES: convenience stores with retail sales of gasoline; PENALTY: \$42,677; ENFORCEMENT COORDINATOR: Karolyn Kent, (512) 239-2536; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(2) COMPANY: ACME BRICK COMPANY; DOCKET NUMBER: 2023-1718-AIR-E; IDENTIFIER: RN102097904; LOCATION: Denton, Denton County; TYPE OF FACILITY: brick manufacturing plant; PENALTY: \$6,900; ENFORCEMENT COORDINATOR: Caleb Martin, (512) 239-2091; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(3) COMPANY: City of Forsan; DOCKET NUMBER: 2025-0608-PWS-E; IDENTIFIER: RN101391704; LOCATION: Forsan, Howard County; TYPE OF FACILITY: public water supply; PENALTY: \$3,750; ENFORCEMENT COORDINATOR: Wyatt Throm, (512) 239-1120; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(4) COMPANY: City of Taft; DOCKET NUMBER: 2025-0802-PWS-E; IDENTIFIER: RN101258911; LOCATION: Taft, San Patri-

cio County; TYPE OF FACILITY: public water supply; PENALTY: \$52; ENFORCEMENT COORDINATOR: Corinna Willis, (512) 239-2504; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(5) COMPANY: Cone Water Supply Corporation; DOCKET NUMBER: 2025-0564-PWS-E; IDENTIFIER: RN101210789; LOCATION: Ralls, Crosby County; TYPE OF FACILITY: public water supply; PENALTY: \$1,438; ENFORCEMENT COORDINATOR: Kaisie Hubschmitt, (512) 239-1482; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(6) COMPANY: EagleClaw Midstream Ventures, LLC; DOCKET NUMBER: 2024-1089-AIR-E; IDENTIFIER: RN110524188; LOCATION: Pecos, Reeves County; TYPE OF FACILITY: oil and gas production facility; PENALTY: \$5,813; ENFORCEMENT COORDINATOR: Trenton White, (903) 535-5155; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, REGION 05 - TYLER.

(7) COMPANY: Greenwood Water Corporation; DOCKET NUMBER: 2025-1045-WQ-E; IDENTIFIER: RN101439040; LOCATION: Midland, Midland County; TYPE OF FACILITY: public water supply; PENALTY: \$2,250; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$900; ENFORCEMENT COORDINATOR: Monica Larina, (512) 239-2545; REGIONAL OFFICE: 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas 78401, REGION 14 - CORPUS CHRISTI.

(8) COMPANY: Jaya Guru Ganesh Inc; DOCKET NUMBER: 2025-0709-PST-E; IDENTIFIER: RN102485273; LOCATION: Grand Prairie, Tarrant County; TYPE OF FACILITY: convenience store with retail sales of gasoline; PENALTY: \$3,000; ENFORCEMENT COORDINATOR: Eresha DeSilva, (713) 767-3669; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(9) COMPANY: Mauser USA, LLC; DOCKET NUMBER: 2025-0535-AIR-E; IDENTIFIER: RN100211002; LOCATION: Houston, Harris County; TYPE OF FACILITY: steel and plastic drum manufacturing plant; PENALTY: \$7,851; ENFORCEMENT COORDINATOR: Amy Cox, (512) 239-4631; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(10) COMPANY: O'Reilly Auto Enterprises, LLC; DOCKET NUMBER: 2025-0842-MSW-E; IDENTIFIER: RN100625516; LOCATION: Beaumont, Jefferson County; TYPE OF FACILITY: used oil collection center; PENALTY: \$375; ENFORCEMENT COORDINATOR: Celia Garza, (210) 657-8422; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(11) COMPANY: OREAL, Inc.; DOCKET NUMBER: 2021-1433-MLM-E; IDENTIFIER: RN101519064; LOCATION: Lufkin, Angelina County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: \$31,568; ENFORCEMENT COORDINATOR: Mistie Gonzales, (254) 761-3056; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, REGION 09 - WACO.

(12) COMPANY: Oxy Vinyls, LP; DOCKET NUMBER: 2024-1404-AIR-E; IDENTIFIER: RN100706803; LOCATION: Deer Park, Harris County; TYPE OF FACILITY: chemical manufacturing plant; PENALTY: \$7,575; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$3,030; ENFORCEMENT COORDINATOR: Christina Ferrara, (512) 239-5081; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(13) COMPANY: SUREN BUSINESS LLC; DOCKET NUMBER: 2025-0237-PST-E; IDENTIFIER: RN104440888; LOCATION: Greenville, Hunt County; TYPE OF FACILITY: convenience store with retail sales of gasoline; PENALTY: \$2,438; ENFORCEMENT COORDINATOR: Adriana Fuentes, (956) 425-6010; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, REGION 15 - HARLINGEN.

(14) COMPANY: Trail of the Lakes Municipal Utility District; DOCKET NUMBER: 2025-0128-PWS-E; IDENTIFIER: RN102693660; LOCATION: Houston, Harris County; TYPE OF FACILITY: public water supply; PENALTY: \$5,000; ENFORCEMENT COORDINATOR: Savannah Jackson, (512) 239-4306; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(15) COMPANY: Westpark Properties, LLC; DOCKET NUMBER: 2024-1585-MLM-E; IDENTIFIER: RN110518289; LOCATION: Weatherford, Parker County; TYPE OF FACILITY: public water supply; PENALTY: \$51,173; ENFORCEMENT COORDINATOR: Taner Hengst, (512) 239-1143; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

TRD-202503981

Gitanjali Yadav

Deputy Director, Litigation Division

Texas Commission on Environmental Quality

Filed: November 4, 2025



Combined Notice of Public Meeting and Notice of Application and Preliminary Decision for Air Quality Permits Proposed Air Quality Permit Numbers 181009, PSDTX1670, and GHGPSDTX254

APPLICATION AND PRELIMINARY DECISION. Fermi Equipment Holdco, LLC, 600 South Tyler Street, Suite 1501, Amarillo, Texas 79101-2351, has applied to the Texas Commission on Environmental Quality (TCEQ) for issuance of proposed State Air Quality Permit 181009, issuance of Prevention of Significant Deterioration (PSD) Air Quality Permit PSDTX1670, and issuance of Greenhouse Gas (GHG) PSD Air Quality Permit GHGPSDTX254 for emissions of GHGs, which would authorize construction of an electric generating plant located at located approximately 15 miles northeast of Amarillo, along US Highway 60, near the intersection of U.S. Highway 60 and Farm-to-Market Road 2373, on north side of the road, Amarillo, Carson County, Texas 79101. This application was processed in an expedited manner, as allowed by the commission's rules in 30 Texas Administrative Code, Chapter 101, Subchapter J. **AVISO DE IDIOMA ALTERNATIVO.** El aviso de idioma alternativo en español está disponible en <https://www.tceq.texas.gov/permitting/air/new-sourcereview/airpermits-pendingpermit-apps>. The proposed facility will emit the following air contaminants in a significant amount: carbon monoxide, nitrogen oxides, organic compounds, particulate matter including particulate matter with diameters of 10 microns or less and 2.5 microns or less and sulfur dioxide. In addition, the facility will emit the following air contaminants: ammonia, hazardous air pollutants, hydrogen sulfide and sulfuric acid mist.

The degree of PSD increment predicted to be consumed by the proposed facility and other increment-consuming sources in the area is as follows:

PM₁₀

Maximum Averaging Time	Maximum Increment Consumed (µg/m ³)	Allowable Increment (µg/m ³)
24-hour	11	30
Annual	4	17

Nitrogen Dioxide

Maximum Averaging Time	Maximum Increment Consumed (µg/m ³)	Allowable Increment (µg/m ³)
Annual	3	25

PM_{2.5}

Maximum Averaging Time	Maximum Increment Consumed (µg/m ³)	Allowable Increment (µg/m ³)
24-hour	7.4	9
Annual	2	4

This application was submitted to the TCEQ on August 1, 2025. The executive director has determined that the emissions of air contaminants from the proposed facility which are subject to PSD review will not violate any state or federal air quality regulations and will not have any significant adverse impact on soils, vegetation, or visibility. All air contaminants have been evaluated, and "best available control technology" will be used for the control of these contaminants.

The executive director has completed the technical review of the application and prepared a draft permit which, if approved, would establish the conditions under which the facility must operate. The permit application, executive director's preliminary decision, draft permit, and the executive director's preliminary determination summary and executive director's air quality analysis, will be available for viewing and copying at the TCEQ central office, the TCEQ Amarillo regional office, and at the Carson County Public Library, 401 Main Street, Panhandle, Carson County, beginning the first day of publication of this notice. The facility's compliance file, if any exists, is available for public review at the TCEQ Amarillo Regional Office, 5809 South Western Street, Suite 260, Amarillo, Texas. The application, including any updates, is available electronically at the following webpage: <https://www.tceq.texas.gov/permitting/air/airpermit-applications-notices>.

PUBLIC COMMENT/PUBLIC MEETING. You may submit public comments to the Office of the Chief Clerk at the address below. **The TCEQ will hold a public meeting on this application because it was requested by local legislators.** The TCEQ will consider all public comments in developing a final decision on the application. A public meeting will be held and will consist of two parts, an Informal Discussion Period and a Formal Comment Period. A public meeting is not a contested case hearing under the Administrative Procedure Act. During the Informal Discussion Period, the public will be encouraged to ask questions of the applicant and TCEQ staff concerning the permit application. The comments and questions submitted orally during the Informal Discussion Period will not be considered before a decision is reached on the permit application, and no formal response will be made. Responses will be provided orally during the Informal Discussion Period. During the Formal Comment Period on the permit application, members of the public may state their formal comments orally into the official record. At the conclusion of the comment period, all

formal comments will be considered before a decision is reached on the permit application. A written response to all formal comments will be prepared by the executive director and will be sent to each person who submits a formal comment or who requested to be on the mailing list for this permit application and provides a mailing address. Only relevant and material issues raised during the Formal Comment Period can be considered if a contested case hearing is granted on this permit application.

The Public Meeting is to be held:

Thursday, December 4, 2025, at 7:00 p.m.

Carson County War Memorial

500 Main Street

Panhandle, Texas 79068

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

You may submit additional written public comments within 30 days of the date of newspaper publication of this notice in the manner set forth in the AGENCY CONTACTS AND INFORMATION paragraph below, or by the date of the public meeting, whichever is later.

RESPONSE TO COMMENTS AND EXECUTIVE DIRECTOR ACTION. After the deadline for public comments, the executive director will consider the comments and prepare a response to all relevant and material or significant public comments. Because no timely hearing requests have been received, after preparing the response to comments, the executive director may then issue final approval of the application. The response to comments, along with the executive director's decision on the application will be mailed to everyone who submitted public comments or is on a mailing list for this application, and will be posted electronically to the Commissioners' Integrated Database (CID).

INFORMATION AVAILABLE ONLINE. These documents are accessible through the Commission's Web site at www.tceq.texas.gov/goto/cid: the executive director's preliminary decision which includes the draft permit, the executive director's preliminary determination summary, air quality analysis, and, once

available, the executive director's response to comments and the final decision on this application. Access the Commissioners' Integrated Database (CID) using the above link and enter the permit number for this application. The public location mentioned above provides public access to the internet. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For exact location, refer to application. <https://gisweb.tceq.texas.gov/LocationMapper/?marker=-101.5776,35.2843&level=13>.

MAILING LIST. You may ask to be placed on a mailing list to obtain additional information on this application by sending a request to the Office of the Chief Clerk at the address below.

OPPORTUNITY FOR A CONTESTED CASE HEARING. You may request a contested case hearing regarding the portions of the application for **State Air Quality Permit Number 181009 and for PSD Air Quality Permit Number PSDTX1670**. There is no opportunity to request a contested case hearing regarding the portion of the application for **GHG PSD Air Quality Permit Number GHGPSDTX254**. A contested case hearing is a legal proceeding similar to a civil trial in a state district court. A person who may be affected by emissions of air contaminants, other than GHGs, from the facility is entitled to request a hearing. A contested case hearing request must include the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number; (2) applicant's name and permit number; (3) the statement "I/we request a contested case hearing;" (4) a specific description of how you would be adversely affected by the application and air emissions from the facility in a way not common to the general public; (5) the location and distance of your property relative to the facility; (6) a description of how you use the property which may be impacted by the facility; and (7) a list of all disputed issues of fact that you submit during the comment period. If the request is made by a group or association, one or more members who have standing to request a hearing must be identified by name and physical address. The interests the group or association seeks to protect must also be identified. You may also submit your proposed adjustments to the application/permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing within 30 days following this notice to the Office of the Chief Clerk, at the address provided in the information section below.

A contested case hearing will only be granted based on disputed issues of fact or mixed questions of fact and law that are relevant and material to the Commission's decisions on the application. The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. Issues that are not submitted in public comments may not be considered during a hearing.

EXECUTIVE DIRECTOR ACTION. The executive director may issue final approval of the application for the portion of the application for GHG PSD Air Quality Permit GHGPSDTX254. If a timely contested case hearing request is not received or if all timely contested case hearing requests are withdrawn regarding State Air Quality Permit Number 181009 and for PSD Air Quality Permit Number PSDTX1670, the executive director may issue final approval of the application. The response to comments, along with the executive director's decision on the application will be mailed to everyone who submitted public comments or is on a mailing list for this application, and will be posted electronically to the CID. If any timely hearing requests are received and not withdrawn, the executive director will not issue final approval of the State Air Quality Permit Number 181009 and for PSD Air Quality Permit Number PSDTX1670 and will forward the application and requests to the Commissioners for their consideration at a scheduled commission meeting.

AGENCY CONTACTS AND INFORMATION. Public comments and requests must be submitted either electronically at www.tceq.texas.gov/goto/comment, or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC 105, P.O. Box 13087, Austin, Texas 78711-3087. Please be aware that any contact information you provide, including your name, phone number, email address and physical address will become part of the agency's public record. For more information about the permitting process, please call the TCEQ Public Education Program, Toll Free, at (800) 687-4040 or visit their website at www.tceq.texas.gov/goto/pep. Si desea información en español, puede llamar al (800) 687-4040. You can also view our website for public participation opportunities at www.tceq.texas.gov/goto/participation.

Further information may also be obtained from Fermi Equipment Holdco LLC at the address stated above or by calling Ms. Elizabeth Stanko, Director, Energy Transition Projects at (713) 244-1039.

Notice Issuance Date: October 31, 2025

TRD-202503994

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: November 5, 2025



Enforcement Orders

An agreed order was adopted regarding Ramendu at Lyndon Investment LLC, Docket No. 2021-0120-EAQ-E on November 4, 2025 assessing \$2,500 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Benjamin Pence, Staff Attorney at (512) 239 3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711 3087.

An agreed order was adopted regarding JSK Alliance Inc dba On The Road 102, Docket No. 2024-0217-PST-E on November 4, 2025 assessing \$4,902 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting A'twar Wilkins, Staff Attorney at (512) 239 3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711 3087.

An agreed order was adopted regarding Heron Rodriguez and Gloria Rodriguez, Docket No. 2024-0694-PWS-E on November 4, 2025 assessing \$8,591 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Marilyn Norrod, Staff Attorney at (512) 239 3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711 3087.

TRD-202503999

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: November 5, 2025



Enforcement Orders

An agreed order was adopted regarding Chase Industries, Inc., Docket No. 2022-1176-AIR-E on November 5, 2025 assessing \$61,181 in administrative penalties with \$12,235 deferred. Information concerning any aspect of this order may be obtained by contacting Yuliya Dunaway, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding the Occidental Permian Ltd., Docket No. 2022-1125-AIR-E on November 5, 2025 assessing

\$83,250 in administrative penalties and \$16,650 deferred. Information concerning any aspect of this order may be obtained by contacting Yuliya Dunaway, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was adopted regarding Gardner Glass Products, Inc., Docket No. 2022-0634-AIR-E on November 5, 2025 assessing \$62,950 in administrative penalties with \$12,590 deferred. Information concerning any aspect of this order may be obtained by contacting Johnnie Wu, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding THOMAS STEEL DRUMS, INC., Docket No. 2024-1154-AIR-E on November 5, 2025 assessing \$25,250 in administrative penalties with \$5,050 deferred. Information concerning any aspect of this order may be obtained by contacting Rajesh Acharya, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Enterprise Hydrocarbons L.P., Docket No. 2024-1445-AIR-E on November 5, 2025 assessing \$80,800 in administrative penalties with \$16,160 deferred. Information concerning any aspect of this order may be obtained by contacting Rajesh Acharya, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Equistar Chemicals, LP, Docket No. 2024-0861-AIR-E on November 5, 2025 assessing \$15,000 in administrative penalties with \$3,000 deferred. Information concerning any aspect of this order may be obtained by contacting Krystina Sepulveda, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas

An agreed order was adopted regarding CHAMPIONX LLC, Docket No. 2024-0524-AIR-E on November 5, 2025 assessing \$24,600 in administrative penalties with \$4,920 deferred. Information concerning any aspect of this order may be obtained by contacting Johnnie Wu, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Covestro LLC, Docket No. 2024-0219-AIR-E on November 5, 2025 assessing \$13,275 in administrative penalties with \$2,655 deferred. Information concerning any aspect of this order may be obtained by contacting Trenton White, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding g Nutrien US LLC, Docket No. 2024-1560-AIR-E on November 5, 2025 assessing \$25,000 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Morgan Kopcho, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding FPG CT Owner, LP, Docket No. 2023-1732-IWD-E on November 5, 2025 assessing \$36,000 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Taylor Williamson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Ameriforge Corporation, Docket No. 2024-0304-IWD-E on November 5, 2025 assessing \$48,937 in administrative penalties with \$9,787 deferred. Information

concerning any aspect of this order may be obtained by contacting Samantha Smith, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Hans Hansen and Karen Hansen, Docket No. 2021-1337-MLM-E on November 5, 2025 assessing \$13,875 in administrative penalties with 2,775 deferred. Information concerning any aspect of this order may be obtained by contacting Monica Larina, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding EQUISTAR CHEMICALS, LP, Docket No. 2023-1339-AIR-E on November 5, 2025 assessing \$12,600 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Krystina Sepulveda, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Laredo Holdings Investments, LLC, Docket No. 2024-0643-MLM-E on November 5, 2025 assessing \$81,200 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Harley Hobson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Mitch Calvert, Docket No. 2025-0377-MSW-E on November 5, 2025 assessing \$18,225 in administrative penalties with \$3,645 deferred. Information concerning any aspect of this order may be obtained by contacting Adriana Fuentes, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was adopted regarding Fernando Gonzalez, Docket No. 2022-0106-MSW-E on November 5, 2025 assessing \$3,750 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting William Hogan, Staff Attorney at (512) 239 3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711 3087.

An agreed order was adopted regarding the City of Bailey, Docket No. 2021-1190-MWD-E on November 5, 2025 assessing \$43,125 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Taylor Pearson, Staff Attorney at (512) 239 3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711 3087.

An agreed order was adopted regarding CANYON RIDGE INVESTMENT COMPANY, Docket No. 2022-1675-MWD-E on November 5, 2025 assessing \$15,612 in administrative penalties with \$3,122 deferred. Information concerning any aspect of this order may be obtained by contacting Monica Larina, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding the City of Longview, Docket No. 2025-0180-MWD-E on November 5, 2025 assessing \$19,500 in administrative penalties with \$3,900 deferred. Information concerning any aspect of this order may be obtained by contacting Samantha Smith, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was adopted regarding Permian Lodging Big Spring LLC, Docket No. 2021-1081-MWD-E on November 5, 2025 assessing \$44,554 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Taylor Pack Ellis,

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

An agreed order was adopted regarding NEW CORNER BUSINESS LLC dba MS Quick Mart, Docket No. 2022-1108-PST-E on November 5, 2025 assessing \$61,571 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Taylor Pack Ellis, Staff Attorney at (512) 239 3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711 3087.

An agreed order was adopted regarding ASYB INVESTMENT INC dba Center Food Mart, Docket No. 2024-1338-PST-E on November 5, 2025 assessing \$22,401 in administrative penalties with \$4,480 deferred. Information concerning any aspect of this order may be obtained by contacting Rachel Murray, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding AMIGO FLATONIA INC dba Flatonia Travel Plaza, Docket No. 2024-1182-PST-E on November 5, 2025 assessing \$14,401 in administrative penalties with \$2,880 deferred. Information concerning any aspect of this order may be obtained by contacting Amy Lane, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Beau Ray, Inc., Docket No. 2024-0182-PWS-E on November 5, 2025 assessing \$315 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Ronica Rodriguez Scott, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-202504000

Laurie Gharis
Chief Clerk

Texas Commission on Environmental Quality
Filed: November 5, 2025



Notice of Availability of the Draft 2026 Texas Integrated Report of Surface Water Quality for the Federal Clean Water Act, §305(b) and §303(d)

The Texas Commission on Environmental Quality (TCEQ or commission) announces the availability of a draft of the *2026 Texas Integrated Report of Surface Water Quality* (IR), for review and comment by the public starting November 14, 2025, through December 13, 2025 (comment period). The IR is developed and submitted to the United States Environmental Protection Agency (EPA) for approval as a requirement of the federal Clean Water Act, §305(b) and §303(d). The IR is an overview of the status of surface water bodies in Texas. Factors considered in evaluating the status of surface water bodies include concerns for public health, viability for use by aquatic species and other wildlife, and specific pollutants and their potential sources. The IR includes summaries of Texas water bodies that do not support beneficial uses or water quality criteria and those water bodies that demonstrate cause for concern. The IR supports TCEQ water quality standards revisions, total maximum daily loads, watershed protection plans, water quality management activities including monitoring, and best management practices to control pollution sources.

Draft 2026 IR Information

The draft 2026 IR will be available on TCEQ's website at the following address: https://www.tceq.texas.gov/waterquality/assessment/public_comment.

Information regarding the public comment period may also be found at the above web address. Review and comment on individual waterbodies and the summaries, as described in the draft 2026 IR found at the web address above, are encouraged until the end of the comment period on December 13, 2025.

After the public comment period for the draft 2026 IR ends on December 13, 2025, the TCEQ will evaluate all comments received. Changes made in response to any comments submitted, will be reflected in the draft 2026 IR that will be submitted to the United States Environmental Protection Agency (EPA) for approval.

Public Comments

TCEQ will respond to comments received during the comment period in a "Response to Comments" document (RTC). The RTC and the draft 2026 IR will be posted on the website when TCEQ sends the draft 2026 IR to EPA. Comments must be submitted in writing, via e-mail, post, or special delivery by 5:00 p.m. on December 13, 2025, and will not be accepted by phone.

E-mail comments to 303d@tceq.texas.gov. Individuals unable to access the documents on TCEQ's website may contact Andrew Sullivan by mail at Texas Commission on Environmental Quality, Water Quality Planning Division, MC 234, P.O. Box 13087, Austin, Texas 78711-3087 or by telephone at (512) 239-4587.

TRD-202503978

Todd Galiga

Acting Deputy Director, Environmental Law Division
Texas Commission on Environmental Quality

Filed: November 3, 2025



Notice of Correction to Agreed Order Number 10

In the August 15, 2025, issue of the *Texas Register* (50 TexReg 5351), the Texas Commission on Environmental Quality (commission) published notice of Agreed Orders, specifically Item Number 10, for Coronado Grease removal services L.L.C.; Docket Number 2025-0676-MLM-E. The error is as submitted by the commission.

The reference to the Docket Number should be corrected to read: "2025-0676-SLG-E."

For questions concerning these errors, please contact Michael Parrish at (512) 239-2548.

TRD-202503982

Gitanjali Yadav

Deputy Director, Litigation Division

Texas Commission on Environmental Quality

Filed: November 4, 2025



Notice of District Petition - D-09292025-041

Notice issued October 29, 2025

TCEQ Internal Control No. D-09292025-041: Milrose Properties Texas, LLC, a Texas limited liability company, (Petitioner) filed a petition with the Texas Commission on Environmental Quality (TCEQ) for the annexation of land into Guadalupe County Municipal Utility District No. 6 (District) under Local Government Code Section (§)42.042 and the procedural rules of the TCEQ. The petition states that: (1) the Petitioner holds title to all the property in the proposed annexation area to be included in the District; (2) there are no lienholders on the property to be annexed into the District; (3) the proposed property annexation will contain approximately 70.11 acres located

within Guadalupe County; and (4) all of the land within the proposed property annexation is within the extraterritorial jurisdiction of the City of Santa Clara, Texas (City). The property proposed for annexation is located southwest of the existing District boundary. Access to the annexation tract will be by Weil Road on the southern boundary of the annexation tract. In accordance with Texas Local Government Code §§42.0425 and 42.042, the Petitioner submitted a petition to the City, requesting the City's consent to the annexation of land into the District. Information provided indicates that the City did not consent to the inclusion of the land into the District's area. After the 90-day period passed without receiving the City's consent to the annexation, the Petitioner submitted a petition to the City requesting the City provide water and sanitary sewer services to the proposed annexation area. The 120-day period for reaching a mutually agreeable contract expired and the information provided indicates that the Petitioner and the City have not executed a mutually agreeable contract for service. Pursuant to Texas Local Government Code §42.042, failure to execute such an agreement constitutes authorization for the Petitioner to initiate proceedings to include the proposed annexation area into the District.

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-202503995

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: November 5, 2025



Notice of Public Meeting and Proposed Renewal with Amendment of General Permit TXR050000 Authorizing the Discharge of Stormwater Associated with Industrial Activities

The Texas Commission on Environmental Quality (TCEQ or commission) is proposing to renew and amend Texas Pollutant Discharge Elimination System General Permit TXR050000. This general permit authorizes the discharge of stormwater associated with industrial activities and certain non-stormwater discharges into surface water in the state. The proposed general permit applies to the entire state of Texas. General permits are authorized by Texas Water Code, §26.040.

PROPOSED GENERAL PERMIT. The executive director has prepared the proposed general permit renewal with amendments of an existing general permit that authorizes the discharge of stormwater and certain non-stormwater discharges from industrial activities that are categorized into 30 similar sectors based on Standard Industrial Classification Codes and Industrial Activity Codes into surface water in the state. The proposed changes to the general permit are included in this proposed general permit and described in the fact sheet.

The general permit specifies which facilities must obtain permit coverage, which are eligible for a conditional exclusion based on a certification of no-exposure of the industrial activity to stormwater, which are designated as eligible for coverage without submitting a Notice of Intent, and which must obtain individual permit coverage. Non-stormwater discharges that are not specifically listed in the general permit are not authorized by the general permit. No significant degradation of high-quality waters is expected, and existing uses will be maintained and protected.

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 proposed 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/stormwater/industrial>. Alternatively, you may request a copy of the proposed general permit and fact sheet by contacting the TCEQ Office of the Chief Clerk by telephone at (512) 239-3300 or by mail at TCEQ OCC, Notice Team MC-105, P.O. Box 13087, Austin, Texas 78711-3087.

PUBLIC COMMENT AND PUBLIC MEETING. You may submit public comments on this proposed general permit in writing or orally at the public meeting held by the TCEQ. The purpose of a public meeting is to provide the opportunity to submit written or oral comments or to ask questions about the proposed general permit. A public meeting is not a contested case hearing.

The hybrid in-person and virtual public meeting will be held Monday, December 15, 2025, at 1:30 p.m. in TCEQ's complex at 12100 Park 35 Circle, Building E, Room 201S, Austin, Texas 78753.

Information for registering and attending the public meeting virtually is available at <https://www.tceq.texas.gov/permitting/stormwater/industrial>.

Written public comments must be received by 5:00 p.m. on December 15, 2025, by the TCEQ 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/>.

ALTERNATIVE LANGUAGE NOTICE. Alternative language notice in Spanish is available at <https://www.tceq.texas.gov/permitting/stormwater/industrial>. El aviso de idioma alternativo en español está disponible en <https://www.tceq.texas.gov/permitting/stormwater/industrial>.

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 comments in making its decision and will either adopt the executive director's response or prepare its own response to the comments. The commission will issue its written response to comments 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 commission's action on the proposed 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 proposed 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>.

Further information may also be obtained by contacting TCEQ's Stormwater Team in the Water Quality Division, at (512) 239-4671 or via electronic mail at

SWGPA@tceq.texas.gov.

Si desea información en español, puede llamar 1 (800) 687-4040.

TRD-202503977

Todd Galiga

Acting Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: November 3, 2025



Update to the Water Quality Management Plan (WQMP)

The Texas Commission on Environmental Quality (TCEQ or commission) requests comments from the public on the draft October 2025 Update to the WQMP for the State of Texas.

Download the draft October 2025 WQMP Update at https://www.tceq.texas.gov/permitting/wqmp/WQmanagement_updates.html or view a printed copy at the TCEQ Library, Building A, 12100 Park 35 Circle, Austin, Texas.

The WQMP is developed and promulgated in accordance with the requirements of the federal Clean Water Act, Section 208. The draft

update includes projected effluent limits of specific treated domestic wastewater dischargers, which may be useful for planning in future permit actions. The draft update may also contain service area populations for listed wastewater treatment facilities, designated management agency information, and total maximum daily load (TMDL) revisions.

Once the commission certifies a WQMP update, it is submitted to the United States Environmental Protection Agency (EPA) for approval. For some Texas Pollutant Discharge Elimination System (TPDES) permits, the EPA's approval of a corresponding WQMP update is a necessary precondition to TPDES permit issuance by the commission.

Deadline

All comments must be received at the TCEQ no later than **5:00 p.m. on December 17, 2025**.

How to Submit Comments

Comments must be submitted in writing to:

Gregg Easley

Texas Commission on Environmental Quality

Water Quality Division, MC 148

P.O. Box 13087

Austin, Texas 78711-3087

Comments may also be faxed to (512) 239-4420 *or* emailed to Gregg Easley at Gregg.Easley@tceq.texas.gov but must be followed up with written comments by mail within five working days of the fax or email date or by the comment deadline, whichever is sooner.

For further information, or questions, please contact Mr. Easley at (512) 239-4539 or by email at Gregg.Easley@tceq.texas.gov.

TRD-202503984

Todd Galiga

Acting Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: November 4, 2025



Texas Facilities Commission

Request for Proposals #303-7-20819

The Texas Facilities Commission (TFC), on behalf of the Texas Space Commission (TSC), announces the issuance of Request for Proposals (RFP) # 303-7-20819. TFC seeks a five (5) or ten (10) year lease of approximately 4,784 square feet of office space in Austin, Texas.

The deadline for questions is December 2, 2025 and the deadline for proposals is December 16, 2025 at 3:00 p.m. The award date is August 16, 2025. TFC reserves the right to accept or reject any or all proposals submitted. TFC is under no legal or other obligation to execute a lease on the basis of this notice or the distribution of a RFP. Neither this notice nor the RFP commits TFC to pay for any costs incurred prior to the award of a grant.

Parties interested in submitting a proposal may obtain information by contacting Samantha De Leon at samantha.deleon@tfc.texas.gov. A copy of the RFP may be downloaded from the Electronic State Business Daily at <https://www.txsmartbuy.gov/esbd/303-7-20819>.

TRD-202503983

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General Land Office

**Notice and Opportunity to Comment on Requests for
Consistency Agreement/Concurrence Under the Texas Coastal
Management Program**

On January 10, 1997, the State of Texas received federal approval of the Coastal Management Program (CMP) (62 *Federal Register* pp. 1439 - 1440). Under federal law, federal agency activities and actions affecting the Texas coastal zone must be consistent with the CMP goals and policies identified in 31 TAC Chapter 26. Requests for federal consistency review were deemed administratively complete for the following project(s) during the period of October 27, 2025 to October 31, 2025. As required by federal law, the public is given an opportunity to comment on the consistency of proposed activities in the coastal zone undertaken or authorized by federal agencies. Pursuant to 31 TAC §§30.20(f), 30.30(h), and 30.40(e), the public comment period extends 30 days from the date published on the Texas General Land Office web site. The notice was published on the web site on Friday, November 7, 2025. The public comment period for this project will close at 5:00 p.m. on Sunday, December 7, 2025.

Federal Agency Activities:

Applicant: U.S. Fish and Wildlife Service

Location: The project would affect waters of the United States and navigable waters of the United States associated with the Roberts Mueller Unit (RMU) of the Jocelyn Nungaray National Wildlife Refuge (JNNWR). The project area is located in the RMU of the JNNWR, approximately 14 miles south of Stowell, Texas and 1.7 miles west-northwest of the city of High Island, Texas; in Chambers County, Texas.

Latitude and Longitude: 29.584048, -94.423412

Project Description: To create, restore, and enhance coastal wetlands in two separate cells within the RMU of the JNNWR. The applicant requests authorization to create, restore, and enhance wetlands within the RMU of the JNNWR through Beneficial Use of Dredge Material (BUDM). Dredged material will be obtained from U.S. Army Corps of Engineers maintenance dredging of the Gulf Intracoastal Waterway and placed in two separate cells (Cell A and Cell B), restoring and/or enhancing a total of 540.11 acres of deteriorated marsh habitat. Specifically, Cell A is 296.60 acres with 163 acres enhanced and 129 acres restored by BUDM. Cell B is a total of 248.99 acres with 37 acres enhanced and 211.11 acres restored with BUDM.

The work associated with the restoration activity will consist of two main actions. The first action will be to create perimeter berms to a top elevation of 2.5' above grade around each of the proposed cells for containment of BUDM. The second will be placing hydraulically dredged material for beneficial use purposes to restore soil elevations within the cells to a level that will support emergent wetland plants to a target elevation of 1.4' above grade. Each placement cell will have at least one cross levee, dividing it into smaller sections for purposes of containment. Dredged material would provide fill for the two placement cells and the containment levees would be built from material collected from borrows within the interior of the cells, to be filled in with placed dredged material.

The applicant has provided the following explanation why compensatory mitigation should not be required: No compensatory mitigation is proposed for this project since there is no permanent loss of waters of the U.S. The project is restorative in nature and will increase the function and value of the current wetland habitat.

Type of Application: U.S. Army Corps of Engineers permit application #SWG-2025-00039. This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

CMP Project No: 26-1024-F2

Federal License and Permit Activities:

Applicant: Natural Gas Pipeline Company of America LLC (NGPL)

Location: The project would affect waters of the United States associated with Keith Lake / Sabine Neches Waterway and is located within palustrine wetlands approximately 2.1 miles northwest of Sabine Pass, in Jefferson County, Texas.

Latitude and Longitude: 29.747402, -93.925117

Project Description: The overall project purpose is to expand the transportation volume with an additional 500,000 dekatherms per day of natural gas across the NGPL Louisiana Lines No. 1 and No. 2 to provide more opportunity and flexibility to the natural gas and LNG facilities across the Texas/Louisiana Gulf Coast markets. The applicant requests authorization to permanently fill approximately 1 acre of palustrine emergent wetland with an additional 3.36 acres of temporary impact to previously stated wetland. The project will consist of a new natural gas meter station, which will include a single sixteen-inch ultrasonic meter assembly, flow control and tap assembly, and 16-inch pipeline, to be made at the request of Trident Interstate Pipeline, LLC for the ability to accept gas nominations from the Trident mainline, into the NGPL Louisiana No. 1 and No. 2 mainlines.

The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: The applicant proposes to purchase approximately 0.666 physical functional capacity units (FCUs), 0.583 FCUs, and 0.680 FCUs from the Anahuac Wetlands Mitigation Bank.

Type of Application: U.S. Army Corps of Engineers permit application # SWG-2025-00592. 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 Railroad Commission of Texas as part of its certification under §401 of the Clean Water Act. The U.S. Army Corps of Engineers Galveston District has found that this permit request meets the terms of Executive Order 14156 and is therefore subject to special emergency permitting procedures and an expedited review process.

CMP Project No: 26-1023-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-202503979

Jennifer Jones

Chief Clerk and Deputy Land Commissioner

General Land Office

Filed: November 3, 2025

◆ ◆ ◆
Surveying Services Coastal Boundary Survey

Project: Big Boggy, State Submerged Tract 87, Matagorda - Escobar

Project No: Project Number: CEpra # 1813

Project Manager: Kristen Naz, Project Manager Coastal Resources.

Surveyor: Miguel A. Escobar, Licensed State Land Surveyor

Description: Coastal Boundary Survey dated July 9 & 10, 2025, delineating the littoral boundary along the Gulf Intracoastal Water Way, in the I. & G. R.R. Co. Survey No. 4, Abstract 223, the I. & G. R.R. Co. Survey No. 5, Abstract 224, and the I. & G. R.R. Co. Survey No. 9, Abstract 227, all surveyed on February 26, 1876, adjacent to the State Submerged Tracts 75, 86, and 87, East Matagorda Bay, Matagorda County, Texas, in connection with CEpra No. 1813. Centroid coordinates, Part 1: 28.740746°, -95.817539°, Part 2: 28.748364°, -95.789284°, WGS84. A copy of the survey recorded in Document 2025-4910, Official Records of Matagorda County, Texas.

A Coastal Boundary Survey for the above-referenced project has been reviewed and accepted by Surveying Services; upon completion of public notice requirements, the survey will be filed in the Texas General Land Office, Archives and Records, in accordance with provisions of the Tex. Nat. Res. Code §33.136.

by:

Signed: David Klotz, Staff Surveyor

Date: October 29, 2025

Pursuant to Tex. Nat. Res. Code §33.136, the herein described Coastal Boundary Survey is approved by Dawn Buckingham, M.D., Commissioner of the Texas General Land Office.

by:

Signed: Jennifer Jones, Chief Clerk and Deputy Land Commissioner

Date: October 29, 2025

Filed as: Matagorda County, NRC Article 33.136 Sketch No. 24

Tex. Nat. Res. Code §33.136

TRD-202503951

Jennifer Jones

Chief Clerk and Deputy Land Commissioner

General Land Office

Filed: October 29, 2025

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Texas Health and Human Services Commission

Criminal History Requirements for Child Care Operations

(Editor's note: In accordance with Texas Government Code, §2002.014, which permits the omission of material that is "cumbersome, expensive, or otherwise inexpedient," the charts are not included in the print version of the Texas Register. The charts are available in the online version of the November 14, 2025, issue of the Texas Register.)

26 Texas Administrative Code §745.661 (relating to What types of criminal convictions may affect a subject's ability to be present at an operation?) states that HHSC will review the three charts listed in subsection (a) of the section annually and publish any changes for public comment in the *Texas Register* as an "In Addition" document. Questions or comments about the content of the proposed changes may be directed to Child Care Regulation at (512) 438-3269.

Written comments may be submitted by email to CCR-Rules@hhs.texas.gov or mailed to:

Child Care Regulation, Health and Human Services Commission

P.O. Box 149030

Mail Code E550

Austin, Texas 78751

Any comments must be received within 30 days of publication in the *Texas Register*.

The three charts are titled: (1) Licensed or Certified Child Care Operations: Criminal History Requirements; (2) Foster or Adoptive Placements: Criminal History Requirements; and (3) Registered Child Care Homes and Listed Family Homes: Criminal History Requirements.

Each chart has three parts: (1) an introduction that identifies the types of operations each chart covers, defines certain terms used in the chart, and clarifies certain assumptions; (2) a Table of Contents; and (3) the applicable chart.

Changes made to the charts include:

- (1) Updates to reflect current statutes and regulatory guidance concerning background checks; and
- (2) Nonsubstantive changes that do not affect the outcome of background checks or the assumptions that apply to the charts.

The changes are in addition to the changes HHSC previously proposed on January 24, 2025, in the *Texas Register* (50 TexReg 583) and made available on the Child Care Regulation public website. For the proposal in January 2025, the written public comment period closed on February 23, 2025. HHSC received one comment from a licensed administrator. The comment relates to Penal Code §42.01(a)(7)-(11) Disorderly Conduct in all three charts. A summary of this comment and HHSC's response are as follows:

COMMENT: One commenter recommended changing the response to Penal Code §42.01(a)(7)-(11) Disorderly Conduct in all three charts by requiring a risk evaluation for Class A and B misdemeanors if the conviction was in the last 10 years and not requiring a risk evaluation for Class C misdemeanors.

RESPONSE: HHSC disagrees with the comment and declines to revise the charts with regard to Penal Code §42.01(a)(7)-(11) Disorderly Conduct. Each offense described in Penal Code §42.01(a)(7)-(11) reflects an impulsive act involving a firearm or inappropriate sexual behavior that merits a risk evaluation regardless of how long ago the conviction occurred.

TRD-202503950

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: October 29, 2025

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Notice of Public Hearing on Proposed Medicaid Payment Rate Actions for Medicaid Community Hospice, Effective Retroactive to October 1, 2025.

Hearing. The Texas Health and Human Services Commission (HHSC) will hold a public hearing on December 19, 2025, at 9:00 a.m. Central Standard Time (CST) to receive public comments on the proposed Medicaid payment rates.

This hearing will be conducted both in person and as an online event. To join the hearing from your computer, tablet, or smartphone, register for the hearing in advance using the following registration URL:

<https://attendee.gotowebinar.com/register/3627643353678750046>

After registering, you will receive a confirmation email containing information about joining the webinar. Instructions for dialing in by phone will be provided via email after you register.

Members of the public may attend the rate hearing in person, which will be held at the North Austin Complex Building, Public Hearing Room 1.401, 4601 W. Guadalupe St., Austin, Texas 78751. A recording of the hearing will be archived and accessible on demand at <https://hhs.texas.gov/about-hhs/communications-events/live-archived-meetings> under the "Archived" tab. The hearing will be held in compliance with Texas Human Resources Code section 32.0282, which requires public notice of and hearings on proposed Medicaid reimbursements.

Any updates to the hearing details will be posted on the HHSC website at <https://www.hhs.texas.gov/about/meetings-events>.

Proposal. HHSC proposes the federal fiscal year (FFY) 2026 payment rate actions for Medicaid Community Hospice for routine home care, continuous home care, inpatient respite care, general inpatient care services, the service intensity add-on, and physician services rates. These increased payment rates will be in accordance with the federal hospice payment regulations located in Title 42 of the Code of Federal Regulations (CFR), Part 418, Subpart G, and effective retroactive to October 1, 2025.

Methodology and Justification. The proposed payment rate actions for Medicaid Community Hospice were calculated in accordance with Section 1814(i)(1)(C)(ii) of the Social Security Act, which outlines annual increases in payment rates for hospice care services. Rates for hospice physician services are not increased under this provision. Payment for Physician Services under the Medicaid Hospice Program is aligned with Medicaid hospice rates that are calculated using the Medicare hospice methodology. Payment rates for this program are calculated based on annual hospice rates established by the Centers for Medicare and Medicaid Services (CMS). 42 CFR 418.306(c) requires Medicaid hospice payment rates to be adjusted every federal fiscal year by the wage index data issued by CMS as published in the *Federal Register*.

Rate Hearing Packet. A briefing packet describing the proposed payment rates will be made available by December 1, 2025, at <https://pfd.hhs.texas.gov/rate-packets>. Interested parties may obtain a copy of the briefing packet on or after that date by contacting the Provider Finance Department by telephone at (512) 730-7401, by fax at (512) 730-7475, or by email at PFD-LTSS@hhs.texas.gov.

Written Comments. Written comments regarding the proposed payment rates may be submitted instead of oral testimony until 5:00 p.m. on the day of the hearing. Written comments may be sent by U.S. mail to the Texas Health and Human Services Commission, Attention: Provider Finance Department, Mail Code H-400, P.O. Box 149030, Austin, Texas 78714-9030; by fax to Provider Finance at (512) 730-7475; or by email to PFD-LTSS@hhs.texas.gov. In addition, written comments may be sent by overnight mail to Texas Health and Human Services Commission, Attention: Provider Finance Department, Mail Code H-400, North Austin Complex, 4601 W. Guadalupe St., Austin, Texas 78751.

Preferred Communication. For the quickest response, please use email or phone to communicate with HHSC regarding this rate hearing.

Persons with disabilities who wish to participate in the hearing and require auxiliary aids or services should call Provider Finance at (512) 730-7401 at least 72 hours before the hearing so appropriate arrangements can be made.

TRD-202503955

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: October 30, 2025

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Department of State Health Services

Licensing Actions for Radioactive Materials

During the first half of October 2025, the Department of State Health Services (Department) has taken actions regarding Licenses for the possession and use of radioactive materials as listed in the tables (in alphabetical order by location). The subheading "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout TX [Texas]" indicates that the radioactive material may be used on a temporary basis at locations throughout the state.

In issuing new licenses and amending and renewing existing licenses, the Department's Radiation Section has determined that the applicant has complied with the licensing requirements in Title 25 Texas Administrative Code (TAC), Chapter 289, for the noted action. In granting termination of licenses, the Department has determined that the licensee has complied with the applicable decommissioning requirements of 25 TAC, Chapter 289. In granting exemptions to the licensing requirements of Chapter 289, the Department has determined that the exemption is not prohibited by law and will not result in a significant risk to public health and safety and the environment.

A person affected by the actions published in this notice may request a hearing within 30 days of the publication date. A "person affected" is defined as a person who demonstrates that the person has suffered or will suffer actual injury or economic damage and, if the person is not a local government, is (a) a resident of a county, or a county adjacent to the county, in which radioactive material is or will be located, or (b) doing business or has a legal interest in land in the county or adjacent county. 25 TAC §289.205(b)(15); Health and Safety Code §401.003(15). Requests must be made in writing and should contain the words "hearing request," the name and address of the person affected by the agency action, the name and license number of the entity that is the subject of the hearing request, a brief statement of how the person is affected by the action what the requestor seeks as the outcome of the hearing, and the name and address of the attorney if the requestor is represented by an attorney. Send hearing requests by mail to: Hearing Request, Radioactive Material Licensing, MC 2835, PO Box 149347, Austin, Texas 78714-9347, or by fax to: (512) 206-3760, or by e-mail to: RAMlicensing@dshs.texas.gov.

NEW LICENSES ISSUED					
Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
THROUGHOUT TX	CCT ENGINEERING LLC	L07284	DALLAS	00	10/02/25
THROUGHOUT TX	VERONICA GONZALEZ	L07286	ODESSA	000	10/10/25

NEW LICENSES ISSUED

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
THROUGHOUT TX	TWINS INDUSTRIAL SERVICES LLC	L07285	ODESSA	000	10/08/25

AMENDMENTS TO EXISTING LICENSES ISSUED

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
ALVIN	ASCEND PERFORMANCE MATERIALS TEXAS LLC	L06630	ALVIN	14	10/07/25
AUSTIN	THE UNIVERSITY OF TEXAS AT AUSTIN	L00485	AUSTIN	103	10/14/25
AUSTIN	ARA ST DAVIDS IMAGING LP	L05862	AUSTIN	129	10/13/25
AUSTIN	AUSTIN RADIOLOGICAL ASSOCIATION	L00545	AUSTIN	258	10/13/25
BEAUMONT	BISON ENVIRONMENTAL SERVICES LLC	L06995	BEAUMONT	04	10/13/25
BROWNSVILLE	COLUMBIA VALLEY HEALTHCARE SYSTEM LP DBA VALLEY REGIONAL MEDICAL CENTER	L02274	BROWNSVILLE	58	10/09/25
CORPUS CHRISTI	CHRISTUS SPOHN HEALTH SYSTEM CORPORATION DBA CHRISTUS SPOHN HOSPITAL CORPUS CHRISTI - SHORELINE & SOUTH	L02495	CORPUS CHRISTI	151	10/08/25
DALLAS	SOUTHERN METHODIST UNIVERSITY	L00443	DALLAS	34	10/09/25
DALLAS	SOFIE CO	L06174	DALLAS	44	10/06/25
DALLAS	METHODIST HOSPITALS OF DALLAS	L00659	DALLAS	157	10/03/25
DENISON	TEXAS ONCOLOGY PA DBA TEXAS CANCER CENTER SHERMAN	L05019	DENISON	43	10/07/25

AMENDMENTS TO EXISTING LICENSES ISSUED					
Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
DENTON	TEXAS HEALTH PRESBYTERIAN HOSPITAL DENTON	L04003	DENTON	57	10/03/25
EL PASO	CASTX CORPORATION DBA SUN CITY VETERINARY SURGERY CENTER	L07219	EL PASO	01	10/07/25
FORT WORTH	COOK CHILDRENS MEDICAL CENTER	L04518	FORT WORTH	43	10/07/25
HOUSTON	CHCA WOMANS HOSPITAL LP DBA THE WOMANS HOSPITAL OF TEXAS	L04834	HOUSTON	23	10/07/25
HOUSTON	METHODIST HEALTH CENTERS DBA HOUSTON METHODIST WEST HOSPITAL	L06358	HOUSTON	23	10/08/25
HOUSTON	THE UNIVERSITY OF TEXAS MD ANDERSON CANCER CENTER	L00466	HOUSTON	194	10/07/25
HUMBLE	MEHTHA MEDICAL GROUP PLLC DBA WELLSPIRE MEDICAL GROUP	L07229	HUMBLE	01	10/07/25
LAKE JACKSON	DOW HYDROCARBONS AND RESOURCES LLC	L07234	LAKE JACKSON	004	10/07/25
LAKE JACKSON	THE DOW CHEMICAL COMPANY	L00451	LAKE JACKSON	121	10/03/25
LAKE JACKSON	THE DOW CHEMICAL COMPANY	L00451	LAKE JACKSON	122	10/06/25
LUBBOCK	AURELIO R CERVERA MD PA DBA CASL HEALTH DBA CARDIOVASCULAR ARRHYTHMIAS SERVICES	L07221	LUBBOCK	03	10/14/25
LUBBOCK	WEST TEXAS HEART & VASCULAR PLLC	L06783	LUBBOCK	07	10/13/25

AMENDMENTS TO EXISTING LICENSES ISSUED

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
LUBBOCK	METHODIST CHILDRENS HOSPITAL DBA JOE ARRINGTON CANCER CENTER	L06903	LUBBOCK	12	10/10/25
MCKINNEY	CARDIAC CENTER OF TEXAS PA	L05744	MCKINNEY	16	10/03/25
PASADENA	MOHAMED O JEROUDI MD PA	L07283	PASADENA	01	10/03/25
PASADENA	BAYPORT POLYMERS LLC	L06922	PASADENA	17	10/03/25
PLANO	HEALTHTEXAS PROVIDER NETWORK DBA BAYLOR SCOTT & WHITE LEGACY HEART CENTER	L06582	PLANO	19	10/03/25
RICHARDSON	THE UNIVERSITY OF TEXAS AT DALLAS	L02114	RICHARDSON	76	10/06/25
SAN ANTONIO	NATIONAL MUSEUM OF CIVIL DEFENSE	L07183	SAN ANTONIO	03	10/06/25
SAN ANTONIO	CARDIOVASCULAR ASSOCIATES OF SAN ANTONIO PA	L04996	SAN ANTONIO	27	10/03/25
SAN ANTONIO	METHODIST PHYSICIAN PRACTICES PLLC	L05675	SAN ANTONIO	29	10/10/25
SAN ANTONIO	THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT SAN ANTONIO	L01279	SAN ANTONIO	185	10/02/25
SHENANDOAH	CARDIOVASCULAR CONSULTANTS OF HOUSTON PLLC	L07220	SHENANDOAH	01	10/01/25
THROUGHOUT TX	TEAM INDUSTRIAL SERVICES INC	L00087	ALVIN	266	10/06/25
THROUGHOUT TX	RWLS LLC DBA RENEGADE SERVICES	L06307	ANDREWS	45	10/07/25
THROUGHOUT TX	CARDINAL HEALTH 414 LLC DBA CARDINAL HEALTH NUCLEAR PHARMACY SERVICES	L02117	AUSTIN	104	10/01/25

AMENDMENTS TO EXISTING LICENSES ISSUED					
Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
THROUGHOUT TX	CARDINAL HEALTH 414 LLC DBA CARDINAL HEALTH NUCLEAR PHARMACY SERVICES	L02117	AUSTIN	105	10/03/25
THROUGHOUT TX	TEXAS A&M UNIVERSITY ENVIRONMENTAL HEALTH & SAFETY	L05683	COLLEGE STATION	51	10/07/25
THROUGHOUT TX	CARDINAL HEALTH 414 LLC CARDINAL HEALTH NUCLEAR PHARMACY	L04043	CORPUS CHRIST	65	10/10/25
THROUGHOUT TX	CCT ENGINEERING LLC	L07284	DALLAS	01	10/13/25
THROUGHOUT TX	THE HEARTBEAT CLINIC	L06204	DALLAS	07	10/10/25
THROUGHOUT TX	CARDINAL HEALTH 414 LLC DBA CARDINAL NUCLEAR PHARMACY SERVICES	L02048	DALLAS	164	10/01/25
THROUGHOUT TX	FMC TECHNOLOGIES INC	L06765	HOUSTON	14	10/14/25
THROUGHOUT TX	NEXTIER COMPLETION SOLUTIONS INC	L06712	HOUSTON	33	10/03/25
THROUGHOUT TX	ARCTIC TESTING AND INSPECTION LLC	L07065	LA PORTE	12	10/02/25
THROUGHOUT TX	PROTECT LLC	L07110	MIDLAND	16	10/03/25
THROUGHOUT TX	SURE SHOT NDT LLC	L07131	ODESSA	01	10/07/25
THROUGHOUT TX	RABA-KISTNER	L01571	SAN ANTONIO	108	10/09/25

RENEWAL OF LICENSES ISSUED					
Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
FORT WORTH	PHYSICIANS SURGICAL CENTER OF FORT WORTH LLP	L05863	FORT WORTH	17	10/03/25

RENEWAL OF LICENSES ISSUED					
Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
HILLSBORO	NHCI OF HILLSBORO INC DBA HILL REGIONAL HOSPITAL	L01949	HILLSBORO	39	10/09/25
SAN ANTONIO	BURGE-MARTINEZ CONSULTING INC	L05907	SAN ANTONIO	15	10/02/25

TRD-202503974
 Cynthia Hernandez
 General Counsel
 Department of State Health Services
 Filed: November 3, 2025

Justin Beam
 Chief Clerk
 Texas Department of Insurance
 Filed: November 5, 2025



Schedules of Controlled Substances

(Editor's note: In accordance with Texas Government Code, §2002.014, which permits the omission of material that is "cumbersome, expensive, or otherwise inexpedient," the figure for this submission is not included in the print version of the Texas Register. The figure is available in the online version of the November 14, 2025, issue of the Texas Register.)

TRD-202503976
 Cynthia Hernandez
 General Counsel
 Department of State Health Services
 Filed: November 3, 2025



Texas Department of Insurance

Company Licensing

Application to do business in the state of Texas for Catawba Insurance Company, a foreign fire and/or casualty company. The home office is in Atlanta, Georgia.

Application for incorporation in the state of Texas for Progyny Health Insurance Company of Texas, a domestic life, accident and/or health company. The home office is in Prosper, Texas.

Any objections must be filed with the Texas Department of Insurance, within twenty (20) calendar days from the date of the *Texas Register* publication, addressed to the attention of Andrew Guerrero, 1601 Congress Ave., Suite 6.900, Austin, Texas 78701.

TRD-202503996



Texas Department of Licensing and Regulation

Scratch Ticket Game Number 2742 "\$500 FRENZY"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2742 is "\$500 FRENZY". The play style is "key number match".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2742 shall be \$5.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2742.

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, 20, 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, MONEY BAG SYMBOL, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100 and \$500.

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. 2742 - 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
20	TWY
21	TWON
22	TWTO
23	TWTH
24	TWFR
25	TWV
26	TWSX
27	TWSV
28	TWET
29	TWN
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
MONEY BAG SYMBOL	WIN\$500
\$5.00	FIV\$
\$10.00	TEN\$
\$20.00	TWY\$
\$25.00	TWV\$
\$50.00	FFTY\$
\$100	ONHN
\$500	FVHN

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 (2742), 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: 2742-0000001-001.

H. Pack - A Pack of the "\$500 FRENZY" 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 and Charitable Bingo Division of the Texas Department of Licensing and Regulation (Texas Lottery) pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 140.

J. Scratch Ticket Game, Scratch Ticket or Ticket - Texas Lottery "\$500 FRENZY" Scratch Ticket Game No. 2742.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general Scratch Ticket validation requirements set forth in Texas Lottery Rule 140.302, Scratch Ticket Game Rules, these Game Procedures, and the requirements set out on the back of each Scratch Ticket. A prize winner in the "\$500 FRENZY" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose forty-five (45) Play Symbols. If a player matches any of the YOUR NUMBERS Play Symbols to any of the WINNING NUMBERS Play Symbols, the player wins the PRIZE for that number. If the player reveals a "MONEY BAG" Play Symbol, the player wins \$500 instantly. If the player reveals a "2X" Play Symbol, the player wins DOUBLE the PRIZE for that symbol. If the player reveals a "5X" Play Symbol, the player wins 5 TIMES the PRIZE for that symbol. If the player reveals a "10X" Play Symbol, the player wins 10 TIMES the PRIZE for that symbol. No portion of the Display Printing nor any extraneous matter whatsoever shall be usable or playable as a part of the Scratch Ticket.

2.1 Scratch Ticket Validation Requirements.

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

1. Exactly forty-five (45) Play Symbols must appear under the Latex Overprint on the front portion of the Scratch Ticket;
2. Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption;
3. Each of the Play Symbols must be present in its entirety and be fully legible;
4. Each of the Play Symbols must be printed in black ink except for dual image games;
5. The Scratch Ticket shall be intact;
6. The Serial Number and Game-Pack-Ticket Number must be present in their entirety and be fully legible;
7. The Serial Number must correspond, using the Texas Lottery's codes, to the Play Symbols on the Scratch Ticket;
8. The Scratch Ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted or tampered with in any manner;
9. The Scratch Ticket must not be counterfeit in whole or in part;
10. The Scratch Ticket must have been issued by the Texas Lottery in an authorized manner;
11. The Scratch Ticket must not have been stolen, nor appear on any list of omitted Scratch Tickets or non-activated Scratch Tickets on file at the Texas Lottery;
12. The Play Symbols, Serial Number and Game-Pack-Ticket Number must be right side up and not reversed in any manner;
13. The Scratch Ticket must be complete and not miscut, and have exactly forty-five (45) Play Symbols under the Latex Overprint on the front portion of the Scratch Ticket, exactly one Serial Number and exactly one Game-Pack-Ticket Number on the Scratch Ticket;
14. The Serial Number of an apparent winning Scratch Ticket shall correspond with the Texas Lottery's Serial Numbers for winning Scratch Tickets, and a Scratch Ticket with that Serial Number shall not have been paid previously;
15. The Scratch Ticket must not be blank or partially blank, misregistered, defective or printed or produced in error;

16. Each of the forty-five (45) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the forty-five (45) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Game-Pack-Ticket Number must be printed in the Game-Pack-Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;

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

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

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

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

2.2 Programmed Game Parameters.

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

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

C. KEY NUMBER MATCH: There will be no matching non-winning YOUR NUMBERS Play Symbols on a Ticket.

D. KEY NUMBER MATCH: There will be no matching WINNING NUMBERS Play Symbols on a Ticket.

E. KEY NUMBER MATCH: No prize amount in a non-winning spot will correspond with the YOUR NUMBERS Play Symbol (i.e., 20 and \$20).

F. KEY NUMBER MATCH: A non-winning Prize Symbol will never match a winning Prize Symbol.

G. KEY NUMBER MATCH: A Ticket may have up to four (4) matching non-winning Prize Symbols, unless restricted by other parameters, play action or prize structure.

H. KEY NUMBER MATCH: The "2X" (DBL) Play Symbol will only appear on winning Tickets, as dictated by the prize structure.

I. KEY NUMBER MATCH: The "5X" (WINX5) Play Symbol will only appear on winning Tickets, as dictated by the prize structure.

J. KEY NUMBER MATCH: The "10X" (WINX10) Play Symbol will only appear on winning Tickets, as dictated by the prize structure.

K. KEY NUMBER MATCH: The "MONEY BAG" (WIN\$500) Play Symbol will never appear with the "2X" (DBL), "5X" (WINX5) and "10X" (WINX10) Play Symbols.

2.3 Procedure for Claiming Prizes.

A. To claim a "\$500 FRENZY" 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 of these Game Procedures.

B. As an alternative method of claiming a "\$500 FRENZY" Scratch Ticket Game prize, the claimant may submit the signed winning Scratch Ticket and a thoroughly completed claim form via mail. If a prize value is \$1,000,000 or more, the claimant must also provide proof of Social Security number or Tax Payer Identification (for U.S. Citizens or Resident Aliens). Mail all to: Texas Lottery, 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.

C. 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.

D. 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 "\$500 FRENZY" 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 "\$500 FRENZY" 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. 2742. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2742 - 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	17,000	296.47
\$500	3,570	1,411.76

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

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

5.0 End of the Scratch Ticket Game. The Executive Director may, at any time, announce a closing date (end date) for the Scratch Ticket Game No. 2742 without advance notice, at which point no further Scratch Tickets in that game may be sold. The determination of the closing date and reasons for closing will be made in accordance with the Scratch Ticket closing procedures and the Scratch Ticket Game Rules. See 16 TAC §140.302(j).

6.0 Governing Law. In purchasing a Scratch Ticket, the player agrees to comply with, and abide by, these Game Procedures for Scratch Ticket Game No. 2742, the State Lottery Act (Texas Government Code, Chapter 466), applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 140, and all final decisions of the Executive Director.

TRD-202503997
 Deanne Rienstra
 Interim General Counsel Lottery and Charitable Bingo
 Texas Department of Licensing and Regulation
 Filed: November 5, 2025

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Texas Board of Physical Therapy Examiners

Correction of Error

The Texas Board of Physical Therapy Examiners adopted amendments to 22 TAC §341.2 in the October 24, 2025, issue of the *Texas Register* (50 TexReg 7015). Due to an error by the Texas Register, the incorrect effective date was published for the adoption. The correct effective date for the adoption is November 1, 2025.

TRD-202503990

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Texas Department of Transportation

Request for Proposals - Traffic Safety Program

In accordance with 43 TAC §25.901 et seq., the Texas Department of Transportation (TxDOT) is requesting project proposals to support the targets and strategies of the Texas traffic safety program to reduce the number of motor vehicle related crashes, injuries, and fatalities in Texas. These targets and strategies form the basis for the Federal Fiscal Year 2027 (FY 2027) Annual Grant Application (AGA).

Authority and responsibility for funding the traffic safety grant program derives from the National Highway Safety Act of 1966 (23 USC §401 et seq.), and the Texas Traffic Safety Act of 1967 (Transportation Code, Chapter 723). The TxDOT Executive Director is the designated Governor's Highway Safety Representative. The program is administered at the state level by TxDOT's Traffic Safety Division (TRF) through the Behavioral Traffic Safety Section (TRF-BTS). TRF-BTS manages the program through program managers for statewide projects and traffic safety specialists in 25 districts for local projects.

The following information is related to the FY 2027 Traffic Safety Grants- Request for Proposals (RFP). Please review the full FY 2027 RFPs online at: <https://egrants.bts.txdot.gov/eGrantsHelp/RFP/2027/RFP2027.pdf>

This request for proposals includes solicitations for General Traffic Safety, Selective Traffic Enforcement Program (STEP), and Driver Education proposals.

The Program Needs Section of the RFP includes the targets, strategies, and performance measures for each of the Traffic Safety Program Areas.

TRF-BTS is seeking proposals in all program areas but is particularly interested in proposals which address the specific program needs listed in the High Priority Program Needs subsection of the Program Needs section of the RFP.

All proposals for highway safety funding must be submitted to the TRF-BTS no later than Friday, January 16, 2026, at 5:00 p.m. CST. Proposals must be completed and submitted using eGrants. eGrants is located at: <https://egrants.bts.txdot.gov/>

A webinar on proposal submissions via the Traffic Safety eGrants system will be available on Friday, November 14,

2025. For access information please go to: <https://egrants.bts.txdot.gov/eGrantsHelp/rfp.html>

All questions regarding the development of proposals must be submitted by sending an email to TRF_RFP@txdot.gov. A question and answer (Q&A) document will be posted on Friday, December 5, 2025, at <https://egrants.bts.txdot.gov/eGrants/eGrantsHelp/rfp.html>.

TRD-202503966

Becky Blewett

Deputy General Counsel

Texas Department of Transportation

Filed: October 31, 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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