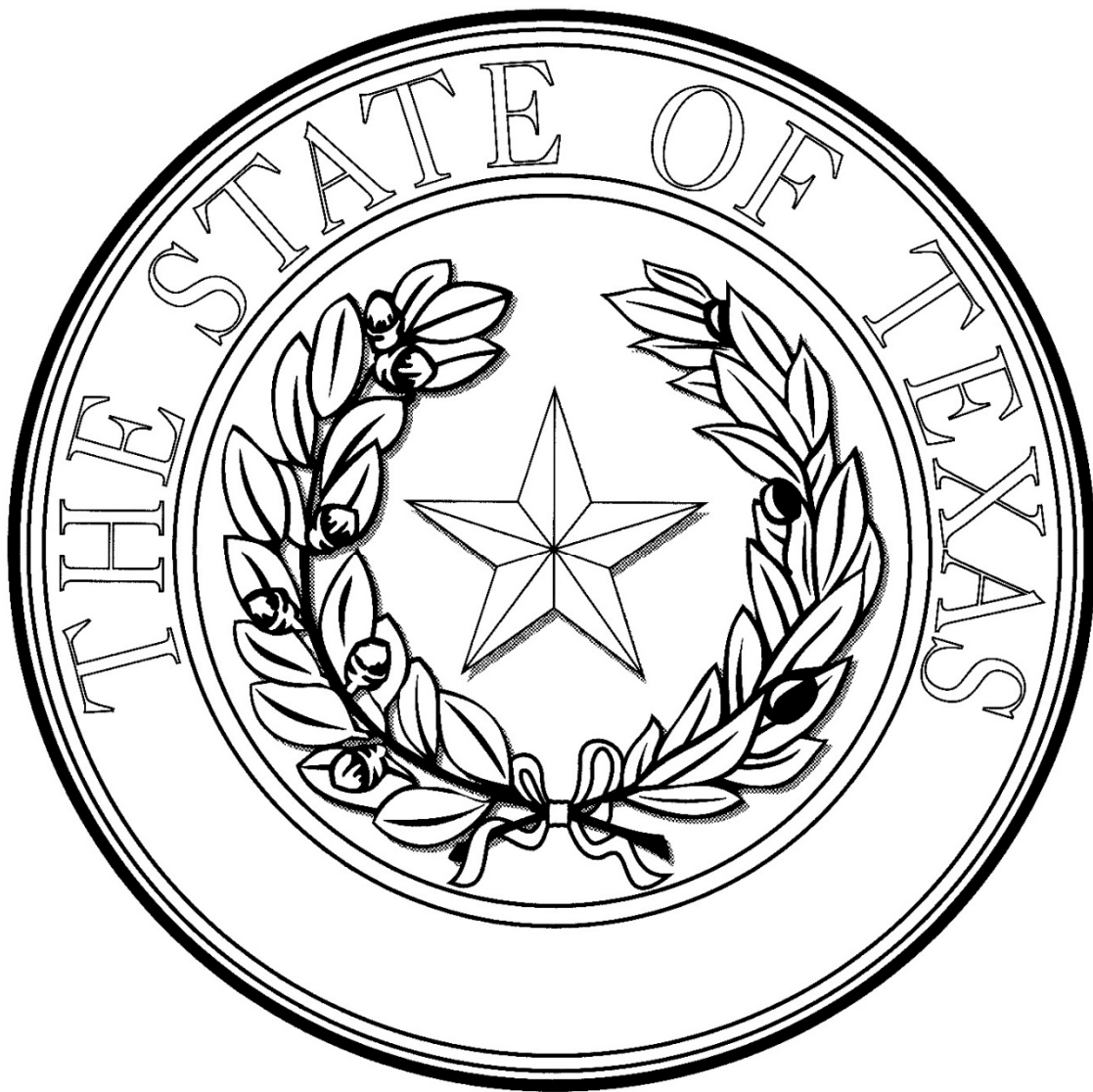

TEXAS REGISTER

Volume 50 Number 48

November 28, 2025

Pages 7629 – 7772



IN THIS ISSUE

GOVERNOR

Appointments	7635
Proclamation 41-4239	7635
Proclamation 41-4240	7636
Proclamation 41-4241	7636
Proclamation 41-4242	7638
Proclamation 41-4243	7638
Proclamation 41-4244	7639

ATTORNEY GENERAL

Requests for Opinions	7641
Opinions	7641

TEXAS ETHICS COMMISSION

Ethics Advisory Opinion Requests	7643
--	------

PROPOSED RULES

TEXAS STATE LIBRARY AND ARCHIVES COMMISSION

SCHOOL LIBRARY PROGRAMS

13 TAC §4.2	7645
-------------------	------

TEXAS HISTORICAL COMMISSION

TEXAS HISTORIC PRESERVATION TAX CREDIT PROGRAM

13 TAC §13.1, §13.2	7648
---------------------------	------

PUBLIC UTILITY COMMISSION OF TEXAS

SUBSTANTIVE RULES APPLICABLE TO WATER AND SEWER SERVICE PROVIDERS

16 TAC §24.76	7653
16 TAC §24.76	7653

SUBSTANTIVE RULES APPLICABLE TO ELECTRIC SERVICE PROVIDERS

16 TAC §25.368	7659
----------------------	------

TEXAS RACING COMMISSION

DEFINITIONS

16 TAC §301.1	7661
---------------------	------

PROCEEDINGS BEFORE THE COMMISSION

16 TAC §307.62	7665
----------------------	------

RACETRACK LICENSES AND OPERATIONS

16 TAC §309.282	7667
-----------------------	------

OTHER LICENSES

16 TAC §311.1	7668
16 TAC §311.104	7670
16 TAC §311.109	7672

OFFICIALS AND RULES OF HORSE RACING

16 TAC §313.103	7673
16 TAC §313.113	7675

DEPARTMENT OF STATE HEALTH SERVICES

ADVISORY COMMITTEES, COUNCILS, AND BOARDS

25 TAC §3.8	7676
-------------------	------

GENERAL SANITATION

25 TAC §§265.11, 265.18, 265.23, 265.24, 265.28 - 265.34	7679
25 TAC §265.29	7688
25 TAC §§265.31 - 265.35	7689
25 TAC §265.36	7689
25 TAC §265.37	7690

HEALTH AND HUMAN SERVICES COMMISSION

BEHAVIORAL HEALTH DELIVERY SYSTEM

26 TAC §§306.101, 306.103, 306.105, 306.107, 306.109, 306.111	7691
---	------

ADOPTED RULES

TEXAS HEALTH AND HUMAN SERVICES COMMISSION

COORDINATED PLANNING AND DELIVERY OF HEALTH AND HUMAN SERVICES

1 TAC §351.3, §351.6	7697
----------------------------	------

TEXAS HISTORICAL COMMISSION

ADMINISTRATION DEPARTMENT

13 TAC §§11.61 - 11.67	7697
------------------------------	------

PUBLIC UTILITY COMMISSION OF TEXAS

SUBSTANTIVE RULES APPLICABLE TO ELECTRIC SERVICE PROVIDERS

16 TAC §25.60	7720
16 TAC §25.231	7724

TEXAS EDUCATION AGENCY

STATE REVIEW AND APPROVAL OF INSTRUCTIONAL MATERIALS

19 TAC §67.1001	7724
-----------------------	------

TEXAS STATE BOARD OF PHARMACY

ADMINISTRATIVE PRACTICE AND PROCEDURES

22 TAC §281.63	7725
----------------------	------

LICENSING REQUIREMENTS FOR PHARMACISTS

22 TAC §283.12	7725
----------------------	------

PHARMACIES

22 TAC §291.31	7726
22 TAC §291.52	7726
22 TAC §291.72	7726
22 TAC §291.120	7727

PHARMACY TECHNICIANS AND PHARMACY TECHNICIAN TRAINEES

22 TAC §297.2	7727
22 TAC §297.10	7727

DEPARTMENT OF STATE HEALTH SERVICES

MISCELLANEOUS PROVISIONS

25 TAC §1.61, §1.63	7730
---------------------------	------

TEXAS WORKFORCE COMMISSION

CHILD CARE SERVICES

40 TAC §809.1, §809.2	7732
40 TAC §809.43	7734

TEXAS DEPARTMENT OF TRANSPORTATION

MANAGEMENT

43 TAC §1.84, §1.88	7734
---------------------------	------

TRAFFIC OPERATIONS

43 TAC §25.1	7735
--------------------	------

RULE REVIEW

Proposed Rule Reviews

Texas Health and Human Services Commission	7739
Department of State Health Services	7739

TABLES AND GRAPHICS

.....	7741
-------	------

IN ADDITION

Texas State Affordable Housing Corporation

Draft Texas Foundation Fund Guidelines	7743
--	------

Office of Consumer Credit Commissioner

Notice of Rate Ceilings	7743
-------------------------------	------

Credit Union Department

Application for a Merger or Consolidation	7743
Application to Expand Field of Membership	7743
Notice of Final Action Taken	7743

Texas Council for Developmental Disabilities

TCDD State Plan G-O FY27-31	7744
-----------------------------------	------

Texas Education Agency

Notice of Correction Concerning the 2026-2027 Nita M. Lowey 21st Century Community Learning Centers (CCLC), Cycle 13, Year 1 Grant Program #701-26-109	7744
--	------

Texas Commission on Environmental Quality

Agreed Orders	7744
---------------------	------

Combined Notice of Public Meeting and Notice of Application and Pre- liminary Decision for TPDES Permit for Municipal Wastewater New Permit No. WQ0016554001	7746
--	------

Combined Notice of Public Meeting and Notice of Application and Pre- liminary Decision for TPDES Permit for Municipal Wastewater New Permit No. WQ0016694001	7747
--	------

Enforcement Orders	7749
--------------------------	------

Enforcement Orders	7750
--------------------------	------

Notice of an Application to Amend a Certificate of Adjudication Ap- plication No. 14-1601A	7751
---	------

Notice of District Petition - D-08062025-015	7752
--	------

Notice of District Petition - D-09102025-012	7752
--	------

Notice of District Petition - D-10202025-031	7753
--	------

Notice of District Petition - D-10222025-032	7754
--	------

Notice of District Petition - D-10232025-043	7754
--	------

Notice of Opportunity to Comment on a Shutdown/Default Order of an Administrative Enforcement Action	7755
---	------

Notice of Opportunity to Comment on Agreed Orders of Administra- tive Enforcement Actions	7755
--	------

Notice of Opportunity to Comment on an Agreed Order of Adminis- trative Enforcement Actions	7756
--	------

Notice of Water Quality Application - Minor Amendment - WQ0013457001	7757
---	------

General Land Office

Coastal Boundary Survey - East Bay of Galveston Bay - K. Sun- day	7757
--	------

Notice and Opportunity to Comment on Requests for Consistency Agreement/Concurrence Under the Texas Coastal Management Pro- gram	7757
--	------

Texas Health and Human Services Commission

Public Hearing Notice	7758
-----------------------------	------

Department of State Health Services

Licensing Actions for Radioactive Materials	7759
---	------

Texas Department of Insurance

Company Licensing	7765
-------------------------	------

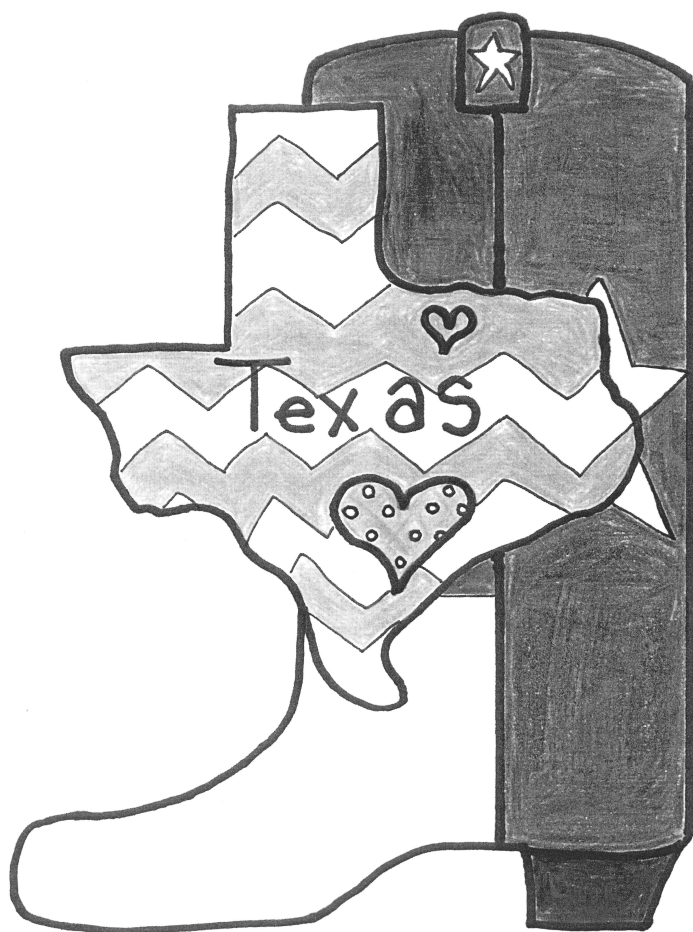
Notice of Plan Amendment Request	7765
--	------

Texas Department of Licensing and Regulation

Scratch Ticket Game Number 2757 "BREAK THE BANK"	7766
--	------

Texas Department of Transportation

Statewide Transportation Improvement Program November 2025 Re-
vision.....7771



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 November 13, 2025

Appointed to the State Board for Educator Certification for a term to expire February 1, 2031, Julia Faye Dvorak of Liberty Hill, Texas (Ms. Dvorak is being reappointed).

Appointed to the Pediatric Acute-Onset Neuropsychiatric Syndrome Advisory Council for a term to expire August 31, 2027, Joel B. "Brandon" Brock, D.N.P., Ph.D. of Sunnyvale, Texas (Dr. Brock is being reappointed).

Appointed to the Pediatric Acute-Onset Neuropsychiatric Syndrome Advisory Council for a term to expire August 31, 2027, Kara S. Chasteen of Lometa, Texas (Ms. Chasteen is being reappointed).

Appointed to the Pediatric Acute-Onset Neuropsychiatric Syndrome Advisory Council for a term to expire August 31, 2027, Summer B. Gainey, Ph.D. of Anderson, Texas (Dr. Gainey is being reappointed).

Appointed to the Pediatric Acute-Onset Neuropsychiatric Syndrome Advisory Council for a term to expire August 31, 2027, Sarah Rosen Garrett of Spicewood, Texas (Ms. Garrett is being reappointed).

Appointed to the Pediatric Acute-Onset Neuropsychiatric Syndrome Advisory Council for a term to expire August 31, 2027, Suzanne K. Gazda, M.D. of San Antonio, Texas (Dr. Gazda is being reappointed).

Appointed to the Pediatric Acute-Onset Neuropsychiatric Syndrome Advisory Council for a term to expire August 31, 2027, Paula J. Krupstadt, M.D. of Shenandoah, Texas (Dr. Krupstadt is being reappointed).

Appointed to the Pediatric Acute-Onset Neuropsychiatric Syndrome Advisory Council for a term to expire August 31, 2027, Elizabeth R. Miller, Ph.D. of Houston, Texas (Dr. Miller is being reappointed).

Appointed to the Pediatric Acute-Onset Neuropsychiatric Syndrome Advisory Council for a term to expire August 31, 2027, Amy L. Offutt, M.D. of Meadowlakes, Texas (Dr. Offutt is being reappointed).

Appointed to the Pediatric Acute-Onset Neuropsychiatric Syndrome Advisory Council for a term to expire August 31, 2027, Nathan A. Pullen of Cedar Creek, Texas (Mr. Pullen is being reappointed).

Appointed to the Pediatric Acute-Onset Neuropsychiatric Syndrome Advisory Council for a term to expire August 31, 2027, Sophia Rahman, M.D. of Plano, Texas (replacing Mark S. Edwards, M.D. of Sonora whose term expired).

Appointed to the Pediatric Acute-Onset Neuropsychiatric Syndrome Advisory Council for a term to expire August 31, 2027, Stephani L. Reinold, M.D. of Austin, Texas (replacing Qazi U. Javed, M.D. of Cedar Park whose term expired).

Appointed to the Pediatric Acute-Onset Neuropsychiatric Syndrome Advisory Council for a term to expire August 31, 2027, Martha J. Shultz of Dallas, Texas (Ms. Shultz is being reappointed).

Appointed to the Pediatric Acute-Onset Neuropsychiatric Syndrome Advisory Council for a term to expire August 31, 2027, Barry Smeltzer of Boerne, Texas (Mr. Smeltzer is being reappointed).

Appointed to the Pediatric Acute-Onset Neuropsychiatric Syndrome Advisory Council for a term to expire August 31, 2027, Melissa A. Smith of Bushland, Texas (Ms. Smith is being reappointed).

Appointments for November 14, 2025

Appointed to the State Independent Living Council for a term to expire October 24, 2027, Mollie A. Witt of Cypress, Texas (replacing David J. Lunt of Haslet who resigned).

Appointed to the State Independent Living Council for a term to expire October 24, 2028, Rebecca "Hunter" Adkins of Lakeway, Texas (Ms. Adkins is being reappointed).

Appointed to the State Independent Living Council for a term to expire October 24, 2028, Erik S. Dally of Poolville, Texas (Mr. Dally is being reappointed).

Appointed to the State Independent Living Council for a term to expire October 24, 2028, Lisa M. Thompson of Atlanta, Texas (Ms. Thompson is being reappointed).

Appointments for November 18, 2025

Appointed to the Texas Space Commission Board of Directors for a term to expire January 31, 2031, Gwendolyn D. "Gwen" Griffin of Kemah, Texas (Ms. Griffin is being reappointed).

Greg Abbott, Governor

TRD-202504189



Proclamation 41-4239

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, in August 2025, the Texas Legislature passed, and Governor Greg Abbott signed House Bill 4, which revised Texas's congressional districting map for the U.S. House of Representatives as reflected in the plan identified as Plan C2333 on the redistricting computer system operated by the Texas Legislative Council; and

WHEREAS, "the Texas legislature's [2025] duly enacted law" creating a new congressional districting map "became the new 'status quo'" under Texas law, *Tex. Alliance for Retired Americans v. Hughes*, 976 F.3d 564, 568 (5th Cir. 2020) (per curiam); and

WHEREAS, candidates have already commenced running as candidates for the U.S. House of Representatives under the new congressional map, including several candidates who have filed or announced to run for the current Congressional District No. 18; and

WHEREAS, the death of the Honorable Sylvester Turner created a vacancy for an unexpired term in the U.S. House of Representatives for the previous Congressional District No. 18, which was wholly contained within Harris County; and

WHEREAS, a special election to fill the vacancy for the unexpired term in previous Congressional District No. 18 was held on Tuesday, November 4, 2025, and the results of that special election have been officially declared and canvassed on Saturday, November 15, 2025; and

WHEREAS, no candidate in the special election for the unexpired term received a majority of the votes cast, as required by Sections 203.003 and 204.021 of the Texas Election Code; and

WHEREAS, Section 2.021 of the Texas Election Code requires that a runoff election be held if no candidate receives the votes necessary to be elected; and

WHEREAS, Sections 2.024 and 3.003(a)(3) of the Texas Election Code require a special congressional runoff election to be ordered by proclamation of the governor no later than the fifth day after the date the final canvass of the main election is completed;

WHEREAS, Section 2.025(d) of the Texas Election Code provides that the runoff election for a special election to fill a vacancy in Congress must be held not earlier than the 70th day nor later than the 77th day after the date the final canvass of the main election is completed; and

NOW, THEREFORE, I, GREG ABBOTT, Governor of Texas, under the authority vested in me by the Constitution and Statutes of the State of Texas, do hereby order a special runoff election to be held for the unexpired term in previous Congressional District No. 18 on Saturday, January 31, 2026, for the purpose of electing a U.S. Representative for previous Congressional District No. 18 to serve out the unexpired term of the Honorable Sylvester Turner.

Early voting by personal appearance shall begin on Wednesday, January 21, 2026, and end on Tuesday, January 27, 2026, in accordance with Sections 85.001(a)-(b) and 204.021 of the Texas Election Code.

A copy of this order shall be mailed immediately to the Harris County Judge, who presides over the county within which previous Congressional District No. 18 was wholly contained, and all appropriate writs shall be issued, and all proper proceedings shall be followed to the end that said election may be held to fill the vacancy for an unexpired term in previous Congressional District No. 18 and its result proclaimed in accordance with law.

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 17th day of November, 2025.

Greg Abbott, Governor

TRD-202504187



Proclamation 41-4240

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, the resignation of the Honorable Kelly Hancock, and its acceptance, have caused a vacancy for an unexpired term in the Texas Senate for Senate District No. 9, which is wholly contained within Tarrant County; and

WHEREAS, a special election to fill the vacancy for the unexpired term in Texas Senate District No. 9 was held on Tuesday, November 4, 2025, and the results of that special election have been officially declared and canvassed on Saturday, November 15, 2025; and

WHEREAS, no candidate in the special election for the unexpired term received a majority of the votes cast, as required by Section 203.003 of the Texas Election Code; and

WHEREAS, Section 2.021 of the Texas Election Code requires that a runoff election be held if no candidate receives the votes necessary to be elected; and

WHEREAS, Sections 2.024 and 3.003(a)(3) of the Texas Election Code require a special legislative runoff election to be ordered by proclamation of the governor no later than the fifth day after the date the final canvass of the main election is completed; and

WHEREAS, Section 2.025(d) of the Texas Election Code provides that the runoff election for a special election to fill a vacancy in the Legislature must be held not earlier than the 70th day nor later than the 77th day after the date the final canvass of the main election is completed; and

NOW, THEREFORE, I, GREG ABBOTT, Governor of Texas, under the authority vested in me by the Constitution and Statutes of the State of Texas, do hereby order a special runoff election to be held for the unexpired term in Texas Senate District No. 9 on Saturday, January 31, 2026, for the purpose of electing a State Senator for Senate District No. 9 to serve out the unexpired term of the Honorable Kelly Hancock.

Early voting by personal appearance shall begin on Wednesday, January 21, 2026, and end on Tuesday, January 27, 2026, in accordance with Section 85.001(a)-(b) of the Texas Election Code.

A copy of this order shall be mailed immediately to the Tarrant County Judge, who presides over the county within which Texas Senate District No. 9 is wholly contained, and all appropriate writs shall be issued, and all proper proceedings shall be followed to the end that said election may be held to fill the vacancy for an unexpired term in Texas Senate District No. 9 and its result proclaimed in accordance with law.

IN TESTIMONY WHEREOF, I have hereto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 17th day of November, 2025.

Greg Abbott, Governor

TRD-202504198



Proclamation 41-4241

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, the Society of the Muslim Brothers, also known as Jama'at al-Ikhwan al-Muslimin, (the "Muslim Brotherhood") is a transnational Islamist organization; and

WHEREAS, Hassan al-Banna, who founded the Muslim Brotherhood almost 100 years ago, professed that "Jihad is an obligation from Allah on every Muslim and cannot be ignored nor evaded" and that Jihad means "the fighting of the unbelievers, and involves all possible efforts that are necessary to dismantle the power of the enemies of Islam including beating them, plundering their wealth, destroying their places of worship and smashing their idols"; and

WHEREAS, even in the present day, Mohammed Badie, the Eighth Supreme Guide of the Muslim Brotherhood who is currently serving a life sentence for plotting an armed insurrection in Egypt, has stated that the organization's primary goal is to establish Islam's "mastership of the world" and a total reform of all domains of life by resurrecting an Islamic state-or a Caliphate-empowered to forcibly impose Sharia law worldwide; and

WHEREAS, the Muslim Brotherhood provides support to localized branches in countries and territories throughout the world, including groups that conduct terrorism internationally; and

WHEREAS, specific branches of the Muslim Brotherhood, such as HASM and Liwa al-Thawra, have been designated by the United States Department of State as Specifically Designated Global Terrorist Entities; and

WHEREAS, activities of Muslim Brotherhood branches have similarly been limited or prohibited by the governments of Austria, Bahrain, Egypt, Jordan, Saudi Arabia, and the United Arab Emirates in light of the Muslim Brotherhood engaging in terrorism or attempting to destabilize those countries; and

WHEREAS, Hamas, which was formed in 1987 as the Palestinian branch of the Muslim Brotherhood and is designated by the United States government as a Foreign Terrorist Organization, kidnapped and murdered American citizens in its surprise assault against Israel on October 7, 2023; and

WHEREAS, the Council on American-Islamic Relations ("CAIR") is an Islamist organization that, according to the Federal Bureau of Investigations ("FBI"), was founded as a "front group" for "Hamas and its support network" in the United States; and

WHEREAS, the Program on Extremism at George Washington University, America's leading academic research center on extremism, reports that CAIR is an example of conscious efforts by "the US-based Hamas network to regenerate itself" and continue acting "under new guises" in the United States based on Hamas's "need to camouflage the identity of the new organization"; and

WHEREAS, Nihad Awad, the Executive Director of CAIR, has boasted that American Muslims are "ready to move to the next phase," and that within the next 15 years the Muslim community "will have 50,000-an army-of these people" who "will design [Islam's] image, protect the truth and the news, ... many of these people will run for public office, and they will become lawmakers" to advance Sharia law in America; and

WHEREAS, CAIR was named an "unindicted co-conspirator" in one of the largest successful prosecutions of terrorism financing in United States history, where internal documents plainly identified CAIR as a subsidiary of the Muslim Brotherhood and a federal court eventually found "ample evidence to establish" that CAIR was associated "with Hamas," *United States v. Holy Land Found. for Relief & Dev.*, No. 3:04-cv-240, 2009 WL 10680203, at *7-8 (N.D. Tex. July 1, 2009); and

WHEREAS, CAIR and its members have repeatedly employed, affiliated with, and supported individuals promoting terrorism-related activities, including:

- Ghassan Elashi, a founding board member of the Texas branch for CAIR and Treasurer of the Holy Land Foundation for Relief and Development, who was sentenced to a total of 65 years in prison for financing terrorism in 2009;

- Abdurahman Alamoudi, a speaker at a CAIR-sponsored anti-Israel rally in Washington, D.C., in October 2000, who proudly proclaimed himself to be a "supporter[] of Hamas" and "a supporter of Hizballah" and who was later convicted as a terrorist for funding Al Qaeda;

- Randall Todd Royer, a communications specialist and civil rights coordinator for CAIR, who was sentenced to 20 years in prison on April 9, 2004, for conspiring to aid Al Qaeda and the Taliban;

- Bassem Khafagi, a community relations director for CAIR, who pleaded guilty to federal bank and visa fraud in 2003 after funneling money to terrorist causes and publishing material advocating suicide attacks against the United States;

- Rabih Haddad, a CAIR fundraiser, who was arrested and deported for his work as Executive Director of the Global Relief Foundation, which was closed by the United States Department of Treasury in October 2002 for financing Al Qaeda;

- Muthanna al-Hanooti, a Director for CAIR in Michigan, who was convicted and sentenced to prison in 2011 for violating United States sanctions against Iraq by accepting "two million barrels of Iraqi oil" in exchange for helping Saddam Hussein's government;

- Sarni Al-Arian, a convicted terrorist and Palestinian Islamic Jihad financier, whom CAIR publicly honored with its "Promoting Justice Award" in 2014 and whom it featured in a 2020 lecture in which he stressed his desire "to promote" CAIR and "support [it] financially" as "the first defense" in America; and

- Nihad Awad, CAIR's current Executive Director, who on November 24, 2023, publicly praised and supported Hamas's October 7, 2023, attack against Israel, saying he "was happy to see" the assault which involved the kidnapping and murder of American citizens; and

WHEREAS, the FBI suspended formal contacts with CAIR in 2008 and the Biden Administration "removed CAIR's name" from certain online documents in 2023 "to make clear it was distancing itself from the organization"; and

WHEREAS, I, Greg Abbott, Governor of Texas, signed House Bill 45 from the 85th Texas Legislature, Regular Session, into law on June 14, 2017, to prohibit the enforcement of foreign laws in Texas, including Sharia law; and

WHEREAS, I, Greg Abbott, Governor of Texas, signed Senate Bill 1900 from the 88th Texas Legislature, Regular Session, into law on June 9, 2023, which strengthened the tools to combat Foreign Terrorist Organizations operating in Texas; and

WHEREAS, I, Greg Abbott, Governor of Texas, signed House Bill 4211 from the 89th Texas Legislature, Regular Session, into law on June 20, 2025, to ban residential property developments from creating exclusionary compounds, including Muslim-only compounds in the State of Texas; and

WHEREAS, I, Greg Abbott, Governor of Texas, signed Senate Bill 17 from the 89th Texas Legislature, Regular Session, into law on June 20, 2025, to prohibit foreign adversaries, including Transnational Criminal Organizations and their affiliated members, from purchasing or acquiring land in the State of Texas; and

WHEREAS, Texas Penal Code § 71.01(e) provides that a Foreign Terrorist Organization "means three or more persons operating as an organization at least partially outside the United States who engage in criminal activity and threaten the security of this state or its residents ... "; and

WHEREAS, Texas Civil Practice and Remedies Code § 125.065 authorizes suit against a Foreign Terrorist Organization to enjoin its operations and "impos[e] other reasonable requirements to prevent the ... organization from engaging in future gang activities"; and

WHEREAS, Texas Civil Practice and Remedies Code § 125.066 provides that violation of such an injunctive order is subject to pain of contempt, punishable by monetary fines and imprisonment; and

WHEREAS, Texas Civil Practice and Remedies Code § 125.064(b) further authorizes suit against "[a]ny person who habitually associates with others to engage in gang activity as a member of," or "who owns or is responsible for maintaining a place that is habitually used for engaging in gang activity" by, a Foreign Terrorist Organization, and provides that such a person may be subject to the aforementioned penalties; and

WHEREAS, Texas Property Code § 5.253 prohibits certain hostile foreign actors from purchasing or acquiring an interest in land in Texas; and

WHEREAS, Texas Property Code § 5.254(a) authorizes the Governor to "designate ... a transnational criminal organization or other entity" as subject to § 5.253's prohibition on foreign nationals or foreign controlled entities purchasing or acquiring an interest in land in Texas; and

WHEREAS, Texas Property Code § 5.251(7) provides that Transnational Criminal Organization means "two or more persons: (A) who are citizens of or domiciled in a designated country; (B) with an identifiable leadership who operate internationally; and (C) who continuously or regularly associate to engage in corruption, violence, or the commission of other criminal activities"; and

WHEREAS, Texas Property Code § 5.253(2)(D) provides that a prohibited entity includes "a company or organization that is ... designated by the governor"; and

WHEREAS, Texas Property Code § 5.257 requires divestiture of real property purchased or acquired in violation of § 5.253; and

WHEREAS, Texas Property Code § 5.258 and § 5.259 authorize the imposition of criminal and civil penalties for purchasing or acquiring an interest in real property in violation of § 5.253; and

WHEREAS, the Governor has consulted with the Director of the Texas Department of Public Safety and the Homeland Security Council as directed by Texas Property Code § 5.254;

NOW, THEREFORE, I, GREG ABBOTT, Governor of Texas, under the authority vested in me by the Constitution and Statutes of the State of Texas, do hereby:

(1) Designate both the Muslim Brotherhood and its successor organization CAIR as Foreign Terrorist Organizations under Texas Penal Code § 71.01(e), and thereby subject those organizations, and any persons promoting or aiding their criminal activities, to the heightened penalties authorized by Chapter 125 of the Texas Civil Practice and Remedies Code; and

(2) Designate both the Muslim Brotherhood and its successor organization CAIR as Transnational Criminal Organizations and proscribed entities under Texas Property Code § 5.254(a)(2)(A), and thereby subject those organizations, and their affiliates and members, to Chapter 5 of the Texas Property Code, which prohibits them from purchasing or acquiring land in Texas.

I HEREBY DIRECT that a copy of this proclamation be filed in the office of the Secretary of State.

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 18th day of November, 2025.

Greg Abbott, Governor

TRD-202504220



Proclamation 41-4242

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on May 31, 2021, certifying under Section 418.014 of the Texas Government Code that the surge of individuals unlawfully crossing the Texas-Mexico border posed an ongoing and imminent threat of disaster for a number of Texas counties and for all state agencies affected by this disaster; and

WHEREAS, I amended the aforementioned proclamation in a number of subsequent proclamations, including to modify the list of affected counties and therefore declare a state of disaster for those counties and for all state agencies affected by this disaster; and

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

NOW, THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby renew the aforementioned proclamation and declare a disaster for Aransas, Atascosa, Bee, Brewster, Brooks, Caldwell, Calhoun, Cameron, Chambers, Coleman, Colorado, Crane, Crockett, Culberson, DeWitt, Dimmit, Duval, Edwards, El Paso, Frio, Galveston, Goliad, Gonzales, Hidalgo, Hudspeth, Jackson, Jeff Davis, Jim Hogg, Jim Wells, Karnes, Kenedy, Kerr, Kimble, Kinney, Kleberg, La Salle, Lavaca, Live Oak, Mason, Matagorda, Maverick, McCulloch, McLennan, McMullen, Medina, Menard, Midland, Pecos, Presidio, Real, Refugio, San Jacinto, San Patricio, Schleicher, Shackelford, Starr, Sutton, Terrell, Throckmorton, Upton, Uvalde, Val Verde, Victoria, Webb, Wharton, Wilbarger, Wilson, Zapata, and Zavala Counties, and for all state agencies affected by this disaster. All orders, directions, suspensions, and authorizations provided in the Proclamation of May 31, 2021, as amended and renewed in subsequent proclamations, are in full force and effect.

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

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 18th day of November, 2025.

Greg Abbott, Governor

TRD-202504221



Proclamation 41-4243

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, I, GREG ABBOTT, Governor of the State of Texas, issued a disaster proclamation on July 4, 2025, as amended and renewed in a number of subsequent proclamations, certifying that the heavy rainfall and flooding event that began on July 2, 2025, that included heavy rainfall and flash flooding, caused widespread and severe property damage, injury, or loss of life in several counties;

NOW, THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby amend and renew the aforementioned proclamation and declare a disaster in Bandera, Bexar, Burnet, Caldwell, Coke, Comal, Concho, Edwards, Gillespie, Guadalupe, Hamilton, Kendall, Kerr, Kimble, Kinney, Lampasas, Llano, Mason, Maverick, McCulloch, Menard, Real, Reeves, San Saba, Schleicher, Sutton, Tom Green, Travis, Uvalde, and Williamson Counties;

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

Pursuant to Section 418.016 of the Texas Government Code, any regulatory statute prescribing the procedures for conduct of state business or any order or rule of a state agency that would in any way prevent, hinder, or delay necessary action in coping with this disaster shall be suspended upon written approval of the Office of the Governor. Any statutes that might prevent the transfer of bodies to families as soon as possible are hereby suspended, including Sections 264.514 and 264.515 of the Texas Family Code and Articles 49.04, 49.05, 49.10,

and 49.25 of the Texas Code of Criminal Procedure. Further, to the extent that the enforcement of any state statute or administrative rule regarding contracting or procurement would impede any state agency's emergency response that is necessary to protect life or property threatened by this declared disaster, I hereby authorize the suspension of such statutes and rules for the duration of this declared disaster.

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

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 18th day of November, 2025.

Greg Abbott, Governor

TRD-202504222

◆ ◆ ◆

Proclamation 41-4244

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, I, GREG ABBOTT, Governor of the State of Texas, issued a disaster proclamation on July 8, 2022, as amended and renewed in a number of subsequent proclamations, certifying that exceptional drought conditions posed a threat of imminent disaster in several counties; and

WHEREAS, the Texas Division of Emergency Management has confirmed that those same drought conditions persist in certain counties in Texas and that the presence of drought conditions in certain counties contributes to increased wildfire danger;

NOW, THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby amend and renew the aforementioned proclamation and declare a disaster in Aransas, Atascosa, Austin, Bandera, Bastrop, Bee, Bexar, Blanco,

Brewster, Burnet, Caldwell, Cameron, Childress, Clay, Collingsworth, Colorado, Comal, Comanche, Culberson, DeWitt, Donley, Fayette, Foard, Frio, Gillespie, Gonzales, Grayson, Guadalupe, Hall, Hardeman, Hays, Hidalgo, Jim Wells, Karnes, Kendall, Kerr, Kinney, Kleberg, Lavaca, Live Oak, Llano, Lubbock, Matagorda, McMullen, Medina, Midland, Nueces, Pecos, Presidio, Real, San Patricio, Terrell, Travis, Uvalde, Val Verde, Victoria, Wharton, Willacy, Williamson, Wilson, and Zapata Counties.

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

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

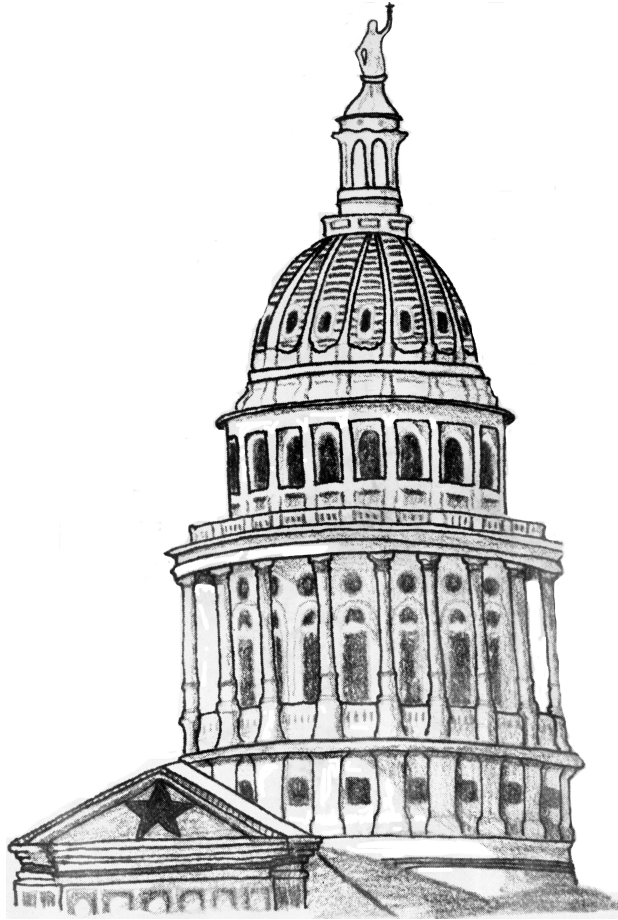
In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 18th day of November, 2025.

Greg Abbott, Governor

TRD-202504223

◆ ◆ ◆



THE ATTORNEY GENERAL

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

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

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

Requests for Opinions

RQ-0624-KP

Requestor:

The Honorable Christina Sanchez

El Paso County Attorney

320 South Campbell Street, Suite 200

El Paso, Texas 79901

Re: Independent school district authority to lease certain facilities and allow alcohol service by lessees (RQ-0624-KP)

Briefs requested by December 12, 2025

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

TRD-202504218

Justin Gordon

General Counsel

Office of the Attorney General

Filed: November 18, 2025



Opinions

Opinion No. KP-0503

The Honorable Aaron Kinsey

Chair

State Board of Education

1701 North Congress Avenue

Austin, Texas 78701-1494

Re: The extent of the requirements under Section 28.002(a)(2)(G) to adopt and implement essential knowledge and skills regarding religious literature for and in Texas public schools (RQ-0621-KP)

S U M M A R Y

Subsection 28.002(c) of the Education Code requires the State Board of Education to identify by rule the essential knowledge and skills for religious literature. The Board may require instructional integration of religious literature with other courses or, where appropriate, in a standalone course.

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

TRD-202504217

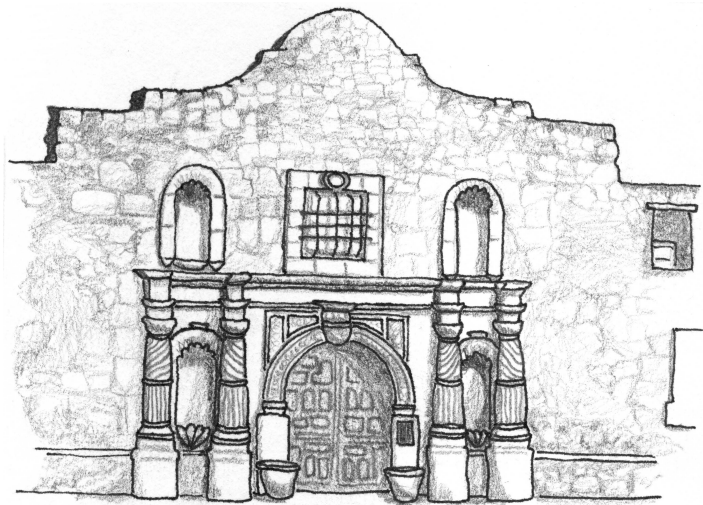
Justin Gordon

General Counsel

Office of the Attorney General

Filed: November 18, 2025





TEXAS ETHICS COMMISSION

The Texas Ethics Commission is authorized by the Government Code, §571.091, to issue advisory opinions in regard to the following statutes: the Government Code, Chapter 302; the Government Code, Chapter 305; the Government Code, Chapter 572; the Election Code, Title 15; the Penal Code, Chapter 36; and the Penal Code, Chapter 39. Requests for copies of the full text of opinions or questions on particular submissions should be addressed to the Office of the Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711-2070, (512) 463-5800.

Ethics Advisory Opinion Requests

Whether an officeholder may use political contributions to pay for the purchase or rental of business or formal attire typically associated with official duties. (AOR-736.)

The Texas Ethics Commission is authorized by section 571.091 of the Government Code to issue advisory opinions in regard to the following statutes: (1) Chapter 572, Government Code; (2) Chapter 302, Government Code; (3) Chapter 303, Government Code; (4) Chapter 305, Government Code; (5) Chapter 2004, Government Code; (6) Title 15, Election Code; (7) Chapter 159, Local Government Code; (8) Chapter 36, Penal Code; (9) Chapter 39, Penal Code; (10) Section 2152.064, Government Code; and (11) Section 2155.003, Government Code.

Questions on particular submissions should be addressed to the Texas Ethics Commission, P.O. Box 12070, Capitol Station, Austin, Texas 78711-2070, (512) 463-5800 or opinions@ethics.state.tx.us.

Issued in Austin, Texas, on November 14, 2025.

TRD-202504161
Amanda Arriaga
General Counsel
Texas Ethics Commission
Filed: November 14, 2025

Whether a former state employee may accept a job with a company when he participated in a procurement involving that same company during his state service without violating Section 572.069 of the Government Code if he recuses himself from state projects. (AOR-737.)

The Texas Ethics Commission is authorized by section 571.091 of the Government Code to issue advisory opinions in regard to the following statutes: (1) Chapter 572, Government Code; (2) Chapter 302, Government Code; (3) Chapter 303, Government Code; (4) Chapter 305, Government Code; (5) Chapter 2004, Government Code; (6) Title 15, Election Code; (7) Chapter 159, Local Government Code; (8) Chapter 36, Penal Code; (9) Chapter 39, Penal Code; (10) Section 2152.064, Government Code; and (11) Section 2155.003, Government Code.

Questions on particular submissions should be addressed to the Texas Ethics Commission, P.O. Box 12070, Capitol Station, Austin, Texas 78711-2070, (512) 463-5800 or opinions@ethics.state.tx.us.

Issued in Austin, Texas, on November 14, 2025.

TRD-202504162
Amanda Arriaga
General Counsel
Texas Ethics Commission
Filed: November 14, 2025

Whether a public servant may accept admission to the Microsoft Most Valuable Professionals Program. (AOR-738.)

The Texas Ethics Commission is authorized by section 571.091 of the Government Code to issue advisory opinions in regard to the following statutes: (1) Chapter 572, Government Code; (2) Chapter 302, Government Code; (3) Chapter 303, Government Code; (4) Chapter 305, Government Code; (5) Chapter 2004, Government Code; (6) Title 15, Election Code; (7) Chapter 159, Local Government Code; (8) Chapter 36, Penal Code; (9) Chapter 39, Penal Code; (10) Section 2152.064, Government Code; and (11) Section 2155.003, Government Code.

Questions on particular submissions should be addressed to the Texas Ethics Commission, P.O. Box 12070, Capitol Station, Austin, Texas 78711-2070, (512) 463-5800 or opinions@ethics.state.tx.us.

Issued in Austin, Texas, on November 14, 2025.

TRD-202504163
Amanda Arriaga
General Counsel
Texas Ethics Commission
Filed: November 14, 2025

Whether representing a party before the State Office of Administrative Hearings (SOAH) in a contested matter against a state agency of previous employment constitutes an appearance before that state agency for the purposes of Texas Government Code § 572.054(a). (AOR-739.)

The Texas Ethics Commission is authorized by section 571.091 of the Government Code to issue advisory opinions in regard to the following statutes: (1) Chapter 572, Government Code; (2) Chapter 302, Government Code; (3) Chapter 303, Government Code; (4) Chapter 305, Government Code; (5) Chapter 2004, Government Code; (6) Title 15, Election Code; (7) Chapter 159, Local Government Code; (8) Chapter 36, Penal Code; (9) Chapter 39, Penal Code; (10) Section 2152.064, Government Code; and (11) Section 2155.003, Government Code.

Questions on particular submissions should be addressed to the Texas Ethics Commission, P.O. Box 12070, Capitol Station, Austin, Texas 78711-2070, (512) 463-5800 or opinions@ethics.state.tx.us.

Issued in Austin, Texas, on November 14, 2025.

TRD-202504164
Amanda Arriaga
General Counsel
Texas Ethics Commission
Filed: November 14, 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 13. CULTURAL RESOURCES

PART 1. TEXAS STATE LIBRARY AND ARCHIVES COMMISSION

CHAPTER 4. SCHOOL LIBRARY PROGRAMS SUBCHAPTER A. STANDARDS AND GUIDELINES

13 TAC §4.2

The Texas State Library and Archives Commission (commission) proposes amendments to §4.2, concerning School Library Programs: Collection Development Standards.

BACKGROUND. The proposed amendments are necessary to implement Senate Bill (SB) 13, 89th Regular Session (2025), which amended portions of the Texas Education Code, Subchapter B, Chapter 33, related to school libraries.

House Bill 900, 88th Regular Session (2023) amended Education Code, §33.021, to require the commission, with approval by majority vote of the State Board of Education (SBOE), to develop and adopt standards for school library collection development that a school district shall adhere to in developing or implementing the district's library collection development policies. The commission adopted these standards at 13 Texas Administrative Code §4.2 on December 14, 2023.

SB 13 added definitions in new §33.020 (Definitions) and added or clarified requirements in §33.021 (Library Standards) for the school library collection development standards. Therefore, the commission finds it necessary to amend §4.2 to comply with the statutes as amended. In addition, SB 13 added new §§33.023-33.027, relating to parental access to a library catalog and access by the parent's child to certain library materials, parental access to student library records, local school advisory councils, acquisition of library materials, and the challenge or appeal of library materials. Because portions of these new statutes relate to existing provisions of the school library collection development standards, the commission finds it necessary to amend additional portions of §4.2 to ensure the collection development standards are consistent with the statutes.

The commission originally considered draft amendments to §4.2 at its August 1, 2025, meeting. At that meeting, the commission approved forwarding the draft to the members of the SBOE designated to work with the commission on the draft standards. After the August 1 meeting, Texas State Board of Education Appointee on Library Collection Standards Julie Pickren provided SBOE's official feedback to commission staff. Representatives of the commission met with SBOE Chair Aaron Kinsey and SBOE Member Pickren to discuss the draft standards on

October 2, 2025. After that meeting, the commission made additional changes to the standards. The standards now proposed reflect input of the SBOE while adhering to standards for the efficient promulgation of state agency rules, including avoiding the duplication of existing statutory language. These standards as proposed for amendment remain a baseline on which school districts may build and further specify procedures and requirements to suit local needs.

EXPLANATION OF PROPOSED AMENDMENTS.

A proposed amendment to subsection (a) adds the term "library" before "materials" for consistency with the term as defined by Educ. Code, §33.020(3). An amendment to this subsection also adds the statutory citation for the definition of "library materials" to enable individuals to locate and review the full statutory definition. If Educ. Code, §33.030(3) is amended in the future, the rule will remain up-to-date and no amendments to the rule language will be necessary.

A proposed amendment to paragraph (c)(6) adds "catalog" to clarify that the access plan must, at a minimum, allow efficient parental access to both the school district's physical and online library catalogs.

Proposed amendments to subparagraph (c)(7)(B) separate the subparagraph into clauses to provide greater clarity in the subparagraph's requirements and reinforce that each item stands alone as an individual requirement. An amendment to clause (i) updates the statutory reference for the definition of "harmful material" to Educ. Code, §33.020(1) as added by SB 13. Another proposed amendment updates the reference to *Board of Education v. Pico*, 457 U.S. 853 (1982) consistent with Educ. Code, §33.021(d)(2)(A)(iii) as amended by SB 13. Other amendments to §4.2(c)(7)(B) add new requirements added to Educ. Code, §33.021 for a school district's collection development policy- that the collection development policy must prohibit the possession, acquisition, and purchase of library material containing indecent or profane content and library material that refers a person to an Internet website containing content prohibited by the rule. Finally, proposed amendments update and correct punctuation throughout the subparagraph.

A proposed amendment to subparagraph (c)(7)(D) adds library mobile applications and any other library catalog a student may access to the scope of the collection development standards as required by SB 13.

A proposed amendment to subparagraph (c)(7)(H) adds the requirement that a collection development policy must demonstrate a commitment to compliance with the Children's Internet Protection Act as required by SB 13.

A proposed amendment to subsection (d) adds a requirement to consider recommendations of a local school library advisory

council (LSLAC) if a district has established one when evaluating materials for inclusion in a school library. SB 13 authorized school districts to establish LSLACs but does not require school districts to establish one. The proposed amendment also includes the statutory citation for LSLACs, which includes the membership of LSLACs.

Proposed amendments to subsection (e) change "legal guardian" to "person standing in parental relation" consistent with SB 13 and add that a person residing in the school district may request reconsideration of a specific item in their school district's library catalog as established by SB 13. Additional amendments to this subsection update the reference to the form used to request reconsideration of an item and define "reasonable timeframe" for review and final decision on reconsideration to mean no longer than 90 days after the date the request for reconsideration is received, as established by SB 13. Finally, a proposed amendment to the subsection requires that a school district prohibit students enrolled in the district from accessing material that is going through the reconsideration process until the district takes action on the material as established by SB 13.

The commission proposes additional amendments throughout §4.2 to ensure correct grammar and punctuation.

FISCAL IMPACT. Sarah Karnes, Director, Library Development and Networking, has determined that for each of the first five years the proposed amendments are in effect, there are no reasonably foreseeable fiscal implications for the state or local governments as a result of enforcing or administering the rules, as proposed.

PUBLIC BENEFIT AND COSTS. Ms. Karnes has determined that for each of the first five years the proposed amendments are in effect, the anticipated public benefit will be increased transparency in a public school library's collection development policies and processes and consistency across the state. There are no anticipated economic costs to persons required to comply with the proposed amendments.

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

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

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

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

1. The proposed amendments will not create or eliminate a government program;
2. Implementation of the proposed amendments will not require the creation of new employee positions or the elimination of existing employee positions;

3. Implementation of the proposed amendments will not require an increase or decrease in future legislative appropriations to the commission;

4. The proposed amendments will not require an increase or decrease in fees paid to the commission;

5. The proposal will not create a new regulation;

6. The proposal will not expand or repeal an existing regulation;

7. The proposed amendments will not increase the number of individuals subject to the proposal's applicability; and

8. The proposed amendments will not affect this state's economy.

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

REQUEST FOR IMPACT INFORMATION. The commission requests, from any person required to comply with the rule as proposed for amendment or any other interested person, information related to the cost, benefit, or effect of the rule as proposed for amendment, including any applicable data, research, or analysis. Please submit the requested information to rules@tsl.texas.gov no later than 30 days from the date of publication in the *Texas Register*.

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

STATUTORY AUTHORITY. The amendments are proposed under Education Code, §33.021, which requires the commission to adopt standards for school library collection development that a school district shall adhere to in developing or implementing the district's library collection development policies.

CROSS REFERENCE TO STATUTE. Government Code, Chapter 441 and Education Code, Chapter 33.

§4.2. School Library Programs: Collection Development Standards.

(a) Each Texas public school district board or governing body must approve and institute a collection development policy that describes the processes and standards by which a school library acquires, maintains, and withdraws library materials as defined by Education Code, §33.020(3).

(b) A school library collection should include materials that are age appropriate and suitable to the campus and students it serves and include a range of materials. A school library collection should:

(1) Enrich and support the Texas Essential Knowledge and Skills (TEKS) and curriculum established by Education Code, §28.002 (relating to Required Curriculum), while taking into consideration students' varied interests, maturity levels, abilities, and learning styles;

(2) Foster growth in factual knowledge, literary appreciation, aesthetic values, and societal standards;

(3) Encourage the enjoyment of reading, foster high-level thinking skills, support personal learning, and encourage discussion based on rational analysis; and

(4) Represent the ethnic, religious, and cultural groups of the state and their contribution to Texas, the nation, and the world.

(c) A school library collection development policy must:

(1) Describe the purpose and collection development goals;

(2) Designate the responsibility for collection development;

(3) Establish procedures for the evaluation, selection, acquisition, reconsideration, and deselection of materials;

(4) Consider the distinct age groups, grade levels, and possible access to materials by all students within a campus;

(5) Include a process to determine and administer student access to material rated by library material vendors as "sexually relevant" as defined by Education Code, §35.001 consistent with any policies adopted by the Texas Education Agency and local school board requirements;

(6) Include an access plan that, at a minimum, allows efficient parental access to the school district's library catalog and online library catalog; and

(7) Comply with all applicable local, state, and federal laws and regulations. Specifically, a collection development policy must:

(A) Recognize that parents are the primary decision makers regarding their student's access to library material;

(B) Prohibit the possession, acquisition, and purchase of:

(i) harmful material, as defined by Education Code, §33.020(1); [; as defined by Penal Code, §43.24;]

(ii) library material rated sexually explicit material by the selling library material vendor under Education Code, §35.002; [; or]

(iii) library material that is pervasively vulgar or educationally unsuitable as referenced in Board of Education v. Pico [v. Board of Education], 457 U.S. 853 (1982); [;]

(iv) library material containing indecent content or profane content;

(v) or library material that refers a person to an Internet website containing content prohibited under this subsection, including by use of a link or QR code, as defined by Health and Safety Code, §443.001;

(C) Recognize that obscene content is not protected by the First Amendment to the United States Constitution;

(D) Be required for all library materials available for use or display, including material contained in school libraries, classroom libraries, [and] online catalogs, library mobile applications, and any other library catalog a student may access;

(E) Ensure schools provide library catalog transparency, including, but not limited to:

(i) Online catalogs that are publicly available; and

(ii) Information about titles and how and where material can be accessed;

(F) Recommend schools communicate effectively with parents regarding collection development, including, but not limited to:

(i) Access to district/campus policies relating to school libraries;

(ii) Consistent access to library resources; and

(iii) Opportunities for students, parents, educators, and community members to provide feedback on library materials and services; [and]

(G) Prohibit the removal of material based solely on the ideas contained in the material or the personal background of the author of the material or characters in the material; and[-]

(H) Demonstrates a commitment to compliance with the Children's Internet Protection Act (Pub. L. No. 106-554), including through the use of technology protection measures, as defined by that Act.

(d) Evaluation of materials as referenced in this section includes a consideration of the factors described in subsection (b) of this section, consideration of local priorities and school district standards, including recommendations of a local school library advisory council if the district has established one under Education Code, §33.025, and at least two of the following:

(1) Consideration of recommendations from parents, guardians, and local community members;

(2) Consultation with the school district's educators and library staff and/or consultation with library staff of similarly situated school districts and their collections and collection development policies;

(3) An extensive review of the text of item;

(4) The context of a work, including consideration of the contextual characteristics, overall fit within existing school library collection, and potential support of the school curriculum; or

(5) Consideration of authoritative reviews of the items from sources such as professional journals in library science, recognized professional education or content journals with book reviews, national and state award recognition lists, library science field experts, and highly acclaimed author and literacy expert recommendations.

(e) A reconsideration process as referenced in this section should ensure that any parent or person standing in parental relation to [legal guardian of] a student [currently] enrolled in the school district, a person employed by [or employee of] the [school] district, or a person residing in the district may request the reconsideration of a specific item in their school district's library catalog. A reconsideration process should:

(1) Establish a uniform procedure an individual must follow when filing a request;

(2) Require a school district to include a form adopted by the Texas Education Agency to request a reconsideration of an item on the school's public internet website if the school has a public internet website or ensure the form is publicly available at a school district administrative office;

(3) Require that the completed [request for reconsideration] form be distributed to the superintendent or superintendent designee, school librarian, [and] school district board of trustees or governing body at the time of submission;

(4) Include a reasonable timeframe, approved by the school board, for the review and final decision by a committee charged with the review of the item in its entirety. A district should convene a review committee in accordance with criteria established by the district to ensure a thorough and fair process. A reasonable timeframe should take

no longer than 90 days after the date the request for reconsideration is received and take into account:

(A) The time necessary to convene a committee to meet and review the item;

(B) Flexibility that may be necessary depending on the number of pending reconsideration requests; and

(C) Other factors relevant to a fair and consistent process, including informing the requester on the progress of the review in a timely fashion;

(5) Prohibit students enrolled in the district from accessing the material until the district takes action in response to the request for reconsideration [Establish a uniform process approved by the school district board of trustees or governing body for the treatment of any library material undergoing reconsideration];

(6) Include a review and appeal process approved by the school district board of trustees or governing body; and

(7) Provide that if an item has gone through the reconsideration process and remains in the collection, a school district may not be required to reconsider an item within two calendar years of the final decision.

(f) School districts should ensure a professional librarian certified by the State Board for Educator Certification or other dedicated professional library staff trained on proper collection development standards is responsible for the selection and acquisition of library materials.

(g) A school district must develop collection assessment and evaluation procedures to periodically appraise the quality of library materials in the school library to ensure the library's goals, objectives, and information needs are serving its school community and should stipulate the means to weed or update the collection.

(h) A school district's collection development policy should be reviewed at least every three years and updated as necessary.

(i) School districts may add procedures to these minimum requirements to satisfy local needs so long as the added procedures do not conflict with these minimum requirements.

(j) School districts are responsible for ensuring their school libraries implement and adhere to these collection development standards.

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 14, 2025.

TRD-202504169

Sarah Swanson

General Counsel

Texas State Library and Archives Commission

Earliest possible date of adoption: December 28, 2025

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



PART 2. TEXAS HISTORICAL COMMISSION

CHAPTER 13. TEXAS HISTORIC PRESERVATION TAX CREDIT PROGRAM

13 TAC §13.1, §13.2

The Texas Historical Commission (hereafter referred to as the Commission) proposes amendments to §13.1 and §13.2 of Title 13, Part 2, Chapter 13 of the Texas Administrative Code (relating to the Texas Historic Preservation Tax Credit Program). These changes are needed to implement House Bill 4044 introduced by Representative Meyer and passed into law during the 89th Legislative session. These changes address the addition of public institutions of higher education as eligible recipients under certain circumstances.

The proposed amendments include a provision that specifies that an institution of higher education or university system as defined in Section 61.003, Education Code, will not be subject to the depreciation and tax-exempt use provisions as defined in Section 47(c)(2) of the Internal Revenue Code, as laid out in Texas Tax Code §172.102(b). The change applies to eligible costs and expenses incurred on or after the effective date of the act, January 1, 2026, until the amendment expires on January 1, 2035.

FISCAL NOTE. Joseph Bell, Executive Director, has determined that for the first five-year period the rules are in effect there will be no fiscal implications for state or local governments as a result of enforcing or administering the rules.

PUBLIC BENEFIT. Mr. Bell has also determined that for each year of the first five-year period the rules are in effect the public benefit anticipated as a result of the implementation of these rules will be the certified rehabilitation of certain designated historic buildings on public university campuses.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS FOR SMALL BUSINESSES, MICROBUSINESSES, AND RURAL COMMUNITIES. Mr. Bell has also determined that there will be no impact on rural communities, small businesses, or micro-businesses as a result of implementing these rules. Accordingly, no regulatory flexibility analysis, as specified in Texas Government Code §2006.002, is required.

ECONOMIC COSTS TO PERSONS AND IMPACT ON LOCAL EMPLOYMENT. There are no anticipated economic costs to persons who are required to comply with the amendments to these rules, as proposed. There is no effect on local economy for the first five years that the proposed new section is in effect; therefore, no local employment impact statement is required under Texas Government Code §2001.022 and 2001.024(a)(6).

GOVERNMENT GROWTH IMPACT STATEMENT. During the first five years that the amendments would be in effect, the proposed amendments: will not create or eliminate a government program; will not result in the addition or reduction of employees; will not require an increase or decrease in future legislative appropriations; will not create a new regulation; will not repeal an existing regulation; and will not result in an increase or decrease in the number of individuals subject to the rule. Implementation of this legislation will lead to an increase in fees paid to a state agency through application fees collected in accordance with Texas Government Code §442.005(f) and 13 Texas Administrative Code §13.1(3). During the first five years that the amendments would be in effect, the proposed amendments will positively affect the Texas economy through the creation of construction-related jobs.

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

PUBLIC COMMENT. Comments on the proposal may be submitted to Joseph Bell, Executive Director, Texas Historical Commission, P.O. Box 12276, Austin, Texas 78711. Comments will be accepted for 30 days after publication in the *Texas Register*.

STATUTORY AUTHORITY. These amendments are proposed under the authority of Texas Government Code §442.005(q), which provides the Commission with the authority to promulgate rules to reasonably affect the purposes of the Commission, and Texas Government Code §172.110, of the Texas Tax Code, which authorizes the Commission to adopt rules necessary to implement the Tax Credit for Certified Rehabilitation of Certified Historic Structures.

CROSS REFERENCE TO OTHER LAW. No other statutes, articles, or codes are affected by these amendments.

§13.1. Definitions.

The following words and terms when used in these rules shall have the following meanings unless the context clearly indicates otherwise:

(1) **Applicant**--The entity that has submitted an application for a building or structure it owns or for which it has a contract to purchase.

(2) **Application**--A fully completed Texas Historic Preservation Tax Credit Application form submitted to the Commission, which includes three parts:

(A) **Part A - Evaluation of Significance**, to be used by the Commission to make a determination whether the building is a certified historic structure;

(B) **Part B - Description of Rehabilitation**, to be used by the Commission to review proposed projects for compliance with the Standards for Rehabilitation; and

(C) **Part C - Request for Certification of Completed Work**, to be used by the Commission to review completed projects for compliance with the work approved under Part B.

(3) **Application fee**--The fee charged by the Commission and paid by the applicant for the review of Part B and Part C of the application as follows:

Figure: 13 TAC §13.1(3) (No change.)

(4) **Audited cost report**--Such documentation as defined by the Comptroller in 34 TAC Chapter 3, Tax Administration.

(5) **Building**--Any edifice enclosing a space within its walls, and usually covered by a roof, the purpose of which is principally to shelter any form of human activity, such as shelter or housing, or to provide working, office, parking, display, or sales space. The term includes, among other examples, banks, office buildings, factories, warehouses, barns, railway or bus stations, and stores and may also be used to refer to a historically and functionally related unit, such as a courthouse and jail or a house and barn. Functional constructions made usually for purposes other than creating human shelter or activity such as bridges, windmills, and towers are not considered buildings under this definition and are not eligible to be certified historic structures.

(6) **Certificate of Eligibility**--A document issued by the Commission to the owner, following review and approval of a Part C

application, that confirms the property to which the eligible costs and expenses relate is a certified historic structure and the rehabilitation qualifies as a certified rehabilitation; and specifies the date the certified historic structure was first placed in service after the rehabilitation.

(7) **Certified historic structure**--A building or buildings located on a property in Texas that is certified by the Commission as:

(A) listed individually in the National Register of Historic Places;

(B) designated as a Recorded Texas Historic Landmark under §442.006, Texas Government Code, or as a State Antiquities Landmark under Chapter 191, Texas Natural Resources Code; §21.6 and §26.3(66) and (67) of this title (relating to Recorded Texas Historic Landmark Designation and Definitions, respectively); or

(C) certified by the Commission as contributing to the historic significance of:

(i) a historic district listed in the National Register of Historic Places; or

(ii) a certified local district as per 36 CFR §67.9.

(8) **Certified local district**--A local historic district certified by the United States Department of the Interior in accordance with 36 CFR §67.9.

(9) **Certified rehabilitation**--The rehabilitation of a certified historic structure that the Commission has certified as meeting the Standards for Rehabilitation. If the project is submitted for the federal rehabilitation tax credit, it must be reviewed by the National Park Service prior to a determination that it meets the requirements for a certified rehabilitation under this rule. In the absence of a determination for the federal rehabilitation tax credit, the Commission shall have the sole responsibility for certifying the project.

(10) **Commission**--The Texas Historical Commission.

(11) **Comptroller**--The Texas Comptroller of Public Accounts.

(12) **Contributing**--A building in a historic district considered to be historically, culturally, or architecturally significant according to the criteria established by state or federal government, including those formally promulgated by the National Park Service and the United States Department of the Interior at 36 CFR Part 60 and applicable National Register bulletins.

(13) **Credit**--The tax credit for the certified rehabilitation of certified historic structures available pursuant to Chapter 172 of the Texas Tax Code.

(14) **District**--A geographically definable area, urban, or rural, possessing a significant concentration, linkage, or continuity of sites, building, structures, or objects united by past events geographically but linked by association or history.

(15) **Eligible costs and expenses**--The qualified rehabilitation expenditures as defined by §47(c)(2), Internal Revenue Code, including rehabilitation expenses as set out in 26 CFR §1.48-12(c), incurred during the project, except as otherwise specified in Chapter 172 of the Texas Tax Code, or, for a time period beginning January 1, 2026, until the statute reverts on January 1, 2035, by authorized investment of funds by an institution of higher education or university system as defined by Section 61.003, Education Code, if the other provisions of Section 47(c)(2) are met.

(16) **Federal rehabilitation tax credit**--A federal tax credit for 20% of qualified rehabilitation expenditures with respect to a cer-

tified historic structure, as defined in §47, Internal Revenue Code; 26 CFR §1.48-12; and 36 CFR Part 67.

(17) **Functionally related buildings**--A collection of buildings that were constructed or used to serve and support an overall single purpose during their period of significance. Examples include but are not limited to: a residence and carriage house; a multi-building apartment complex; a multi-building industrial or commercial complex; or buildings constructed as a campus. Buildings within a typical neighborhood or downtown commercial historic district, among other property types, do not count as functionally related buildings with other buildings in the district, unless there is a certain historical attachment other than community development. Functionally related buildings owned by one entity are viewed as a single property while those owned by separate entities are viewed as separate properties.

(18) **National Park Service**--The agency of the U.S. Department of the Interior that is responsible for certifying projects to receive the federal rehabilitation tax credit.

(19) **Owner**--A person, partnership, company, corporation, whether for profit or not, governmental body, an institution of higher education or university system or any other entity holding a legal or equitable interest in a Property or Structure, which can include a full or partial ownership interest. Not all of these owner entities can qualify as an applicant for the credit, based on the requirements listed in Chapter 172 of the Texas Tax Code. A long-term lessee of a property may be considered an owner if their current lease term is at a minimum 27.5 years for residential rental property or 39 years for nonresidential real property, as referenced by §47(c)(2), Internal Revenue Code.

(20) **Phased development**--A rehabilitation project which may reasonably be expected to be completed in two or more distinct states of development, as defined by United States Treasury Regulation 26 CFR §1.48-12(b)(2)(v). Each phase of a phased development can independently support an Application for a credit as though it was a stand-alone rehabilitation, as long as each phase meets the definition of a Project. If any completed phase of the rehabilitation project does not meet the requirements of a certified rehabilitation, future applications by the same owner for the same certified historic structure will not be considered.

(21) **Placed in Service**--A status obtained upon completion of the rehabilitation project as described in Part B of the application, and any subsequent amendments, and documented in Part C of the application. Evidence of the date a property is placed in service includes a certificate of occupancy issued by the local building official and/or an architect's certificate of substantial completion. Other documents will suffice when certificates of occupancy and/or substantial completion are not available for a specific project, including final contractor invoices or other verifiable statements of completion. Alternate documents should be approved by the Commission before submission. Placed in Service documentation must indicate the date that work was completed.

(22) **Project**--A specified scope of work, as described in a rehabilitation plan submitted with Part B of the application and subsequent amendments, comprised of work items that will be fully completed and Placed in Service. Examples of a project may include, but are not limited to, a whole building rehabilitation, rehabilitation of individual floors or spaces within a building, repair of building features, or replacement of building systems (such as mechanical, electrical, and plumbing systems). Partial or incomplete scopes of work, such as project planning and design, demolition, or partial completion of spaces, features, or building systems are not included in this definition as projects. Per §13.6(f) of this title (relating to Application Review Process), the Commission's review encompasses the entire build-

ing and site even if other work items are not included in a submitted project.

(23) **Property**--A parcel of real property containing one or more buildings or structures that is the subject of an application for a credit.

(24) **Rehabilitation**--The process of returning a building or buildings to a state of utility, through repair or alteration, which makes possible an efficient use while retaining those portions and features of the building and its site and environment which are significant.

(25) **Rehabilitation plan**--Descriptions, drawings, construction plans, and specifications for the proposed rehabilitation of a certified historic structure in sufficient detail to enable the Commission to evaluate compliance with the Standards for Rehabilitation.

(26) **Standards for Rehabilitation**--The United States Secretary of the Interior's Standards for Rehabilitation as defined by the National Park Service in 36 CFR §67.7.

(27) **Structure**--A building; see also certified historic structure. "Structure" may be used in place of the word "building," but all tax credit projects must involve rehabilitation of a building as defined in §13.1(5) of this title.

(28) **Tax Credit**--A credit earned against either the state franchise tax or the insurance premium tax per Chapter 172 of the Texas Tax Code and any limitations provided therein.

§13.2. Qualification Requirements.

(a) Qualification for credit.

(1) An Owner is eligible for a credit for eligible costs and expenses incurred in the certified rehabilitation of a certified historic structure if:

(A) the rehabilitated certified historic structure is placed in service on or after September 1, 2013;

(B) the Owner has an ownership interest in the certified historic structure in the year during which the structure is placed in service after the rehabilitation; and

(C) the total amount of the eligible costs and expenses incurred exceeds \$5,000.

(2) A property for which eligible costs and expenses are submitted for the credit must meet Internal Revenue Code §47(c)(2) which includes:

(A) non-residential real property;

(B) residential rental property; or

(C) other property types exempted from parts of Internal Revenue Code §47(c)(2) as described in Chapter 172 of the Texas Tax Code.

(b) **Eligible costs and expenses.** Eligible costs and expenses means those costs and expenses allowed pursuant to Internal Revenue Code §47(c)(2) or as exempted by Chapter 172 of the Texas Tax Code. Such eligible costs and expenses, include, but are not limited to:

(1) expenditures associated with structural components as defined by United States Treasury Regulation §1.48-1(e)(2) including walls, partitions, floors, ceilings, windows and doors, stairs, elevators, escalators, sprinkler systems, fire escapes, components of central air conditioning, heating, plumbing, and electrical systems, and other components related to the operation or maintenance of the building;

(2) architectural services;

(3) engineering services;

- (4) construction management and labor, materials, and reasonable overhead;
- (5) subcontracted services;
- (6) development fees;
- (7) construction period interest and taxes; and
- (8) other items referenced in Internal Revenue Code §47(c)(2).

(c) Ineligible costs and expenses. Eligible costs and expenses as defined in Internal Revenue Code §47(c)(2) do not include the following:

- (1) the cost of acquiring any interest in the property;
- (2) the personal labor by the applicant;
- (3) any cost associated with the enlargement of an existing building;
- (4) site work expenditures, including any landscaping, sidewalks, paving, decks, outdoor lighting remote from the building, fencing, retaining walls or similar expenditures; or

(5) any cost associated with the rehabilitation of an outbuilding or ancillary structure unless it is certified by the Commission to contribute to the historical significance of the property.

(d) Eligibility date for costs and expenses.

(1) Part A of the Texas Historic Preservation Tax Credit Certification Application must be submitted prior to the building being placed in service per §13.1(21) of this title (relating to Definitions). Projects that have been placed in service prior to submission of Part A of the application do not qualify for the program.

(2) While the credit may be claimed for eligible costs and expenses incurred prior to the filing of an application, potential applicants are urged to file Parts A and B of the application at the earliest possible date. This will allow the Commission to review the application and provide guidance to the applicant that will increase the chances that the application will ultimately be approved and the credit received.

(3) For an institution of higher education or university system as defined by Section 61.003, Education Code, eligible costs and expenditures may only be incurred on or after January 1, 2026, and before January 1, 2035, in accordance with Section 172.102(b) of the Tax Code.

(e) Phased development. Part B applications for rehabilitation of the same certified historic structure may be submitted by the same owner only if they describe clearly defined phases of work that align with a cost report that separates the eligible costs and expenses by phase. Separate Part B and C applications shall be submitted for review by the Commission prior to issuance of a certificate of eligibility for each phase.

(f) Amount of credit. The total amount of credit available is twenty-five percent (25%) of the aggregate eligible costs and expenses incurred in the certified rehabilitation of the certified historic structure.

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 14, 2025.

TRD-202504159

Joseph Bell

Executive Director

Texas Historical Commission

Earliest possible date of adoption: December 28, 2025

For further information, please call: (512) 463-6100



TITLE 16. ECONOMIC REGULATION

PART 2. PUBLIC UTILITY COMMISSION OF TEXAS

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

SUBCHAPTER C. ALTERNATIVE RATE METHODS

The Public Utility Commission of Texas (commission) proposes the repeal and replace of 16 Texas Administrative Code (TAC) §24.76 relating to System Improvement Charge. Proposed new §24.76 will implement Texas Water Code §13.183 as revised by Senate Bill (SB) 740, Section 4 during the Texas 89th Regular Legislative Session. Specifically, the proposed rule will overhaul the system improvement charge (SIC) application process by revising the form, manner, and content of information and documentation that a utility must file with the commission. The proposed rules also align §24.76 with the procedural timelines established by SB 740 for SIC applications and specific requirements related to the Office of Public Utility Counsel (OPUC). The proposal also includes several commission-prescribed forms, including the SIC application form required by SB 740, a template notice for utilities to issue to ratepayers when establishing a SIC, two separate Excel filing schedules for SIC applications for water service and sewer service, and an instruction form for the SIC filing schedules.

Growth Impact Statement

The agency provides the following governmental growth impact statement for the proposed rule, as required by Texas Government Code §2001.0221. The agency has determined that for each year of the first five years that the proposed rule is in effect, the following statements will apply:

- (1) the proposed rule will not create a government program and will not eliminate a government program;
- (2) implementation of the proposed rule will not require the creation of new employee positions and will not require the elimination of existing employee positions;
- (3) implementation of the proposed rule will not require an increase and will not require a decrease in future legislative appropriations to the agency;
- (4) the proposed rule will not require an increase and will not require a decrease in fees paid to the agency;
- (5) the proposed rule will create a new regulation to implement new requirements established by SB 740 (89R);
- (6) the proposed rule will expand, limit, or repeal an existing regulation;

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

(8) the proposed rule will affect this state's economy.

Fiscal Impact on Small and Micro-Businesses and Rural Communities

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

Takings Impact Analysis

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

Fiscal Impact on State and Local Government

Emily Sears, Senior Financial Analyst, Financial Review, has determined that for the first five-year period the proposed rule is in effect, there will be no fiscal implications for the state or for units of local government under Texas Government Code §2001.024(a)(4) as a result of enforcing or administering the sections.

Public Benefits

Ms. Sears has determined that for each year of the first five years the proposed section is in effect the public benefit anticipated as a result of enforcing the section will be more efficient and accurate rate recovery for water and sewer utilities. There will not be any probable economic costs to persons required to comply with the rule under Texas Government Code §2001.024(a)(5).

Local Employment Impact Statement

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

Costs to Regulated Persons

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

Public Hearing

The commission will conduct a public hearing on this rulemaking if requested in accordance with Texas Government Code §2001.029. The request for a public hearing must be received by December 12, 2025. If a request for public hearing is received, commission staff will file in this project a notice of hearing.

Public Comments

Interested persons may file comments electronically through the interchange on the commission's website. Initial comments must be filed by December 19, 2025. Reply comments must be filed by January 23, 2026. Comments should be organized in a manner consistent with the organization of the proposed rules. The commission invites specific comments regarding the effects of the proposed rule, including the costs associated with, and benefits that will be gained by, implementation of the proposed rule. The commission also requests any data, research, or analysis from any person required to comply with the proposed rule or any other interested person. The commission will consider the information submitted by commenters and the costs and bene-

fits of implementation in deciding whether to modify the proposed rules on adoption. All comments should refer to Project Number 58391.

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

In addition to comments on the proposed rule text, the commission requests comments on the following questions concerning the proposed rule and the new procedures established by SB 740, Section 4 (89R):

1. Proposed §24.76(d)(1)(J)(ii) requires a SIC application to include, for each capital project included in the application, either (1) a transaction ledger describing all associated supporting documentation or (2) all supporting documentation. If an applicant elects to provide a transaction ledger, a "sample for audit" must be provided under proposed §24.76(d)(2). Specifically, proposed §24.76(d)(2) describes a process by which, the sample for audit will be determined by the presiding officer based on the recommendation of commission staff that will be determined prior to a sufficiency determination.

a. Should the proposed rule specify one or more alternative methodologies by which a sample or audit may be derived that would either (1) allow an applicant to provide relevant information at the outset of its application or (2) be used by commission staff when determining its sample for audit?

b. If alternative methodologies should be specified by the rule (1) what should those methodologies be based on (i.e., number of assets, dollar amount for assets, number of projects, dollar amount for projects, or a combination thereof) and (2) what should the percentage thresholds be to provide sufficient assurance that the sample for audit adequately supports the eligible plant placed into service detailed in the SIC application?

c. If such an alternative methodology is determined, should it replace the currently proposed sample for audit process or be an additional available option for the sample for audit?

2. SB 740 (89R) Section 4 revised Texas Water code §13.183(c) to require the commission to "enter a final order on a request for a system improvement charge...not later than the 60th day after the date the utility commission determines that a complete application for a system improvement charge has been filed." The commission uses a sufficiency review and recommendation by staff and a subsequent order by the presiding officer as the functional equivalent of a commission determination on "completeness." SB 740 Section 4 does not specify a timeline by which the commission must deem an application "complete" (i.e., sufficient). Similarly, proposed §24.76 does not impose a time limitation for between application filing and the sufficiency determination.

a. Considering all other aspects of the application (i.e. a potential sample for audit, review of supporting documentation, requests for information), should a procedural timeline be added to the proposed rule that governs the time period between an applicant filing a SIC application and the commission's determination of application sufficiency?

b. Should there be a specific timeline associated with the proposed sample for audit under proposed §24.76(d)(2)? If yes, please provide details. Answers to this question may incorpo-

rate any alternative proposals provided in response to Question 1.

3. Proposed §24.76(c)(3)(B) prohibits any assets from being included in a SIC application that have replaced existing plant to provide the same service or level of service. The provision also defines "existing plant" as including plant that is included in the utility's current rates established in the utility's most recent base-rate proceeding and excluding eligible plant that is included in the utility's current SIC for a proceeding in which the utility seeks to amend its SIC. In a previous SIC contested case, the commission requested that parties brief the following threshold policy question "Should the utility be required to offset costs that are no longer needed because of the improvements included in the system improvement charge?" In the commission's preliminary order, the commission stated: "Neither the Texas Water Code nor Commission rules provide for offsetting of costs in the context of a system improvement charge. Whether or not the costs are still needed because of the improvements included in the system improvement charge is irrelevant. Because there is no legal basis for this type of offset, the utility should not be required to offset costs in a proceeding for a system improvement charge. To the extent that a utility is recovering costs in base rates that are rendered unnecessary by improvements included in a system improvement charge, the appropriate inquiry is whether the utility is overearning and therefore whether the Commission should initiate a proceeding under TWC § 13.186(a)." (Docket No. 53109, Preliminary Order at 3 (Aug. 25, 2022))

a. Does the Texas Water Code prevent the Commission from establishing the prohibition in proposed §24.76(c)(3)(B)?

b. If the Texas Water Code does not prevent the Commission from establishing the prohibition under proposed §24.76(c)(3)(B), should the Commission, in lieu of establishing the prohibition, consider revising the methodology for calculating the SIC such that it accounts for retirements (i.e., "offsets"), thus requiring a utility to offset the costs that are no longer needed because of the improvements included in the system improvement charge but that are still being reflected in the utility's base rates? If so, include an explanation and proposal, if any, as to what extent the methodology should be revised.

c. Provide any other context or information that may be relevant to Questions 3a and 3b, including, if necessary, a discussion of the methodologies implemented for similarly expedited electric rate proceedings such as §25.243 (relating to Distribution Cost Recovery Factor (DCRF)) and §25.192(h) (relating to Interim Update of Transmission rates).

4. House Bill 2712 (89R) allows a utility to use a historic, future, or combined future and historic test year. Proposed §24.76(c)(1)(D) limits the cost recovery of a SIC to cost recovery of eligible plant placed into service subsequent to the end of the future test year or combined historic and future test year if the applicant used a test year in a base rate proceeding after September 1, 2026 that includes either only future data or combined historic and future data. The intention of this provision is to prevent overlap between any potential future test year period selected by the utility and the period covered by the SIC.

a. Should proposed §24.76(c)(1)(D) be maintained in the rule?

b. Are there any other considerations that should be addressed in proposed §24.76 to prevent the potential overlap of a future test year period and the period covered by the SIC.

16 TAC §24.76

Statutory Authority

The proposed repeal is proposed under Texas Water Code §13.041(a), which provides the commission the general power to regulate and supervise the business of each public utility within its jurisdiction and to do anything specifically designated or implied by the Texas Water Code that is necessary and convenient to the exercise of that power and jurisdiction; Texas Water Code §13.041(b), which provides the commission with the authority to adopt and enforce rules reasonably required in the exercise of its powers and jurisdiction; Texas Water Code §13.183 which authorizes the commission to establish alternative ratemaking methodologies for water and sewer service rates such as a SIC and specific content and procedural requirements for a SIC application, including the requirement for the commission to develop a commission-prescribed form;

Cross Reference to Statute: Texas Water Code §13.041(a) and (b), 13.183.

§24.76. System Improvement Charge.

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 14, 2025.

TRD-202504165

Andrea Gonzalez

Rules Coordinator

Public Utility Commission of Texas

Earliest possible date of adoption: December 28, 2025

For further information, please call: (512) 936-7244



16 TAC §24.76

Statutory Authority

The proposed new rule and new forms are proposed under Texas Water Code §13.041(a), which provides the commission the general power to regulate and supervise the business of each public utility within its jurisdiction and to do anything specifically designated or implied by the Texas Water Code that is necessary and convenient to the exercise of that power and jurisdiction; Texas Water Code §13.041(b), which provides the commission with the authority to adopt and enforce rules reasonably required in the exercise of its powers and jurisdiction; Texas Water Code §13.183 which authorizes the commission to establish alternative ratemaking methodologies for water and sewer service rates such as a SIC and specific content and procedural requirements for a SIC application, including the requirement for the commission to develop a commission-prescribed form;

Cross Reference to Statute: Texas Water Code §13.041(a) and (b), 13.183.

§24.76. System Improvement Charge.

(a) Applicability. This section establishes the requirements for a utility to establish or amend a system improvement charge to ensure timely recovery of infrastructure investment.

(b) Definitions. In this section, the following words and terms have the following meanings unless the context indicates otherwise.

(1) Eligible plant -- Plant properly recorded in the National Association of Regulatory Utility Commissioners (NARUC) System of Accounts, accounts 304 through 339 for water utility service or accounts 354 through 389 for sewer utility service.

(2) System improvement charge- An additional charge to recover certain costs of service associated with the portion of the cost of a utility's eligible plant that is not already included in the utility's base rates.

(c) System improvement charge (SIC). A utility may apply to establish or amend one or more SICs in accordance with the requirements of this section.

(1) General requirements.

(A) A SIC must be nondiscriminatory and be applied uniformly to each meter size provided in the utility's tariff.

(B) A SIC applies to each meter size provided in the utility's tariff based on the calculation and multiplier under subsection (e) of this section.

(C) A SIC application must include any relevant data, attachments, or supplementary materials filed in their native format and, if applicable, any formula intact.

(D) If the applicant used a test year in a base rate proceeding after September 1, 2026, that includes either only future data or combined historic and future data, a SIC is limited to cost recovery of eligible plant placed into service subsequent to the end of the future test year or combined historic and future test year.

(E) A utility is prohibited from establishing or amending a SIC while it has a comprehensive rate proceeding under TWC §§13.187, 13.1871, 13.18715, or 13.1872 pending before the commission. If a utility with a pending application to establish or amend a system improvement charge files an application to change rates under TWC §§13.187, 13.1871, 13.18715, or 13.1872, or the commission initiates a rate change review under TWC §13.186, the utility will be deemed to have withdrawn its application to establish or amend a system improvement charge and the presiding officer must dismiss the application.

(2) Eligibility for and timing of SIC application.

(A) A utility may have a SIC in effect for water service, sewer service, or both.

(B) A utility that is applying to establish or amend multiple SICs in a calendar year must do so in a single application.

(C) A utility is prohibited from:

(i) having more than one SIC in effect at any given time for each type of service (i.e., water service or sewer service) unless a utility has multiple rate schedules for systems that have not yet been consolidated under a single rate; and

(ii) adjusting its rates under this section more than once each calendar year.

(D) The filing of SIC applications as allowed by this section is limited to a specific quarter of the calendar year, and is based on the last two digits of a utility's certificate of convenience and necessity (CCN) number as outlined below, unless good cause is shown for filing in a different quarter. For a utility holding multiple CCNs, the utility may file an application in any quarter for which any of its CCN numbers is eligible.

(i) Quarter 1 (January-March): CCNs ending in 00 through 27;

(ii) Quarter 2 (April-June): CCNs ending in 28 through 54;

(iii) Quarter 3 (July-September): CCNs ending in 55 through 81; and

(iv) Quarter 4 (October-December): CCNs ending in 82 through 99.

(3) Eligible costs.

(A) A SIC is limited to the cost recovery of eligible plant that is not already included in the utility's rates and eligible plant that has been placed into service after the later of the ending date of the 2019 reporting period reflected in the utility's annual report filed with the commission as required by §24.19 of this chapter or the end of the test year used in the utility's most recent base-rate proceeding.

(B) A utility is prohibited from including any assets in a SIC application that have replaced existing plant to provide the same service or level of service. For purposes of this subparagraph, "existing plant" includes plant that is included in the utility's current rates established in the utility's most recent base-rate proceeding. The term "existing plant" does not include eligible plant that is included in the utility's current SIC for a proceeding in which the utility seeks to amend its SIC.

(d) SIC Application.

(1) An application to establish or amend a SIC must be filed using the form prescribed by the commission. A SIC application must include the following:

(A) the following contact information:

(i) the applicant's primary contact name and title, street and mailing address, business telephone number, business e-mail address, and, if available, web address;

(ii) the authorized representative's name, title, street and mailing address, telephone number, e-mail address, and, if available, web address;

(B) the following disclosures:

(i) the applicant's legal business name, including any assumed names;

(ii) the applicant's Texas Secretary of State registration number;

(iii) the number of active water and sewer connections as of the date the SIC application is filed, itemized by type of service (i.e., water or sewer service) and the total number of connections (i.e., water connections plus sewer connections); and

(iv) the applicant's classification based on the applicant's total number of connections (i.e., Class A, B, C, or D utility);

(C) the following general information regarding the SIC sought by the applicant:

(i) whether the application is for a new SIC or is an amendment to an existing SIC;

(ii) if the application is for an amendment to an existing SIC, the docket control number associated with the previous SIC application;

(iii) whether the applicant is seeking a SIC for water service, sewer service, or both;

(iv) identification of each water and sewer tariff or rate schedule currently in effect, as applicable, for which the applicant is seeking a SIC; and

(v) a copy of each water and sewer tariff or rate schedule identified under clause (iv) of this subparagraph, including each docket control number where each tariff or rate schedule was most recently approved;

(D) the following general information concerning the applicant's last comprehensive base rate proceeding:

(i) the year the applicant's last comprehensive base rate proceeding was initiated;

(ii) the docket control number of the applicant's last comprehensive base rate proceeding;

(iii) if applicable, copies of any final orders issued by the Texas Commission on Environmental Quality (TCEQ) or any other predecessor agency that are relevant to the application (i.e., orders relating to rate proceedings held at the TCEQ or any other predecessor agency);

(E) the following general information concerning each CCN possessed by the applicant:

(i) all of the CCN numbers currently issued to the applicant including a separate identification of which CCN numbers apply to the provision of water service or sewer service, as applicable;

(ii) each CCN that would be affected by the SIC sought by the applicant; and

(iii) whether the applicant has, at the time the application is filed, a pending sale, transfer, or merger (STM) application under §24.239 of this title (relating to Sale, Transfer, Merger, Consolidation, Acquisition, Lease, or Rental) or §24.243 of this title (relating to Purchase of Voting Stock or Acquisition of a Controlling Interest in a Utility), including the docket control number associated with the STM application;

(F) the following general information concerning currently effective SIC for water or sewer service, or both, as applicable:

(i) whether the applicant has a SIC in effect as of the date the application is filed;

(ii) each docket control number associated with the applicant's currently effective SIC for water service or sewer service;

(iii) each CCN for which the currently effective SIC is applicable;

(G) the date the SIC application is being filed and a confirmation that the application is being filed in the appropriate filing quarter as specified by subsection (c)(2)(D) of this section;

(H) a description of the eligible plant for which cost recovery is sought through the SIC, including:

(i) each project included in the request;

(ii) the following information, itemized by the applicable NARUC account number:

(I) the cost associated with each project and project component;

(II) a detailed explanation of the benefits of each project and project component, including how each project has improved or will improve service, and any reliability impacts; and

(III) transaction details supporting eligible costs substantiated by the documents specified in subparagraph (J) of this paragraph;

(I) a calculation of the SIC in accordance with subsection (e) of this section and all supporting calculations and assumptions for each component of the SIC;

(J) information to substantiate each claimed eligible cost of the applicant's eligible plant that is not already included in the applicant's rates.

(i) Eligible costs must be substantiated by:

(I) a description of each capital project or addition that correlates with all capital expenditures associated with that project or addition.

(II) evidence to support eligible plant placed into service as needed to support the eligible costs in the manner specified by clause (ii) of this subparagraph; and

(III) external or internal documentation of direct and indirect costs, as applicable. External documentation must be word-searchable and organized by each NARUC Account.

(ii) A SIC application must include, at a minimum, either:

(I) a transaction ledger in list format that includes a description of all associated supporting documentation described by clauses (iii) and (iv) of this subparagraph for each capital project included in the application for use in a sample for audit under paragraph (2) of this subsection; or

(II) all associated supporting documentation described by clauses (iii) and (iv) of this subparagraph for each capital project included in the application.

(iii) External documentation (i.e., cost information from unaffiliated third-parties such as contractors or vendors) includes:

(I) receipts;

(II) invoices;

(III) contracts; or

(IV) other documentation of eligible costs, which may include any other information that may be required by commission staff or the presiding officer.

(iv) Internal documentation (i.e. work orders, affiliate costs, capitalized overhead, timesheet for labor, and interest expenses, etc. (allocated overhead) must be substantiated by:

(I) if available and as applicable, the information listed under clause (iii) of this subparagraph;

(II) a categorized list of allocated overhead expenses with supporting documentation for each category. Such supporting documentation may include:

(-a-) narrative explanations describing the billing methods;

(-b-) expert testimony;

(-c-) policies and procedures developed by the applicant for the recording, billing, or management of allocated overhead;

(-d-) calculations, methodologies, or formulas for determining allocation factors used to apply allocated overhead associated with eligible costs; and

(-e-) affiliate service agreements;

(III) work orders categorized by projects. Each work order must:

- (-a-) clearly specify the nature and scope of the work performed;
- (-b-) provide a detailed breakdown of the total project cost; and
- (-c-) identify the sources of those costs, including specific materials used, labor hours incurred, and equipment installed;

(IV) timesheets for labor categorized by projects. Each timesheet must:

- (-a-) accurately reflect the time employees dedicate to capital projects and must exclude time associated with routine operations and maintenance activities;
- (-b-) distinctly categorize direct labor and indirect labor, and all recorded hours shall be attributed to individual employees; and
- (-c-) apply a consistent methodology for capitalizing labor costs over time; and

(V) any other information that may be required by commission staff or the presiding officer;

(K) information that sufficiently addresses the exclusion of costs for plant provided by explicit customer agreements or funded by customer contributions in aid of construction;

(L) information that sufficiently demonstrates compliance with subsection (c)(3)(B) of this section, including a list of the "existing plant" included and approved in the applicant's most recent base-rate proceeding that have been retired or removed from service, as well as the assets that have replaced such existing plant.

(M) If the applicant used group depreciation in its last comprehensive base rate proceeding, the applicant must provide, for each asset within the group to which the group rate applies:

- (i) the name or number of the asset;
- (ii) a description of the asset;
- (iii) the in-service date of the asset; and
- (iv) all cost information that corresponds to that asset;

(N) a copy of the applicant's most recent annual report filed with the commission as required by §24.19 of this chapter (relating to Water and Sewer Utilities Annual Report), which must be the annual report most recently due for filing;

(O) an affidavit confirming that the application meets the requirements of this section;

(P) notice and proof of notice, provided in the form and manner specified by subsection (f) of this section; and

(Q) as applicable, any other information required by the presiding officer in accordance with paragraph (2) of this subsection.

(2) Sample for audit of eligible plant. This paragraph only applies if the applicant has made the election under paragraph (1)(J)(ii)(I) of this subsection.

(A) Prior to filing its recommendation on sufficiency of the application under paragraph (5)(A) of this subsection, commission staff will file a recommendation on an appropriate sample for audit of eligible plant derived from the information included in the transaction ledger within a time period prescribed by the presiding officer.

(B) After staff submits its recommendation under subparagraph (A) of this paragraph, the presiding officer will determine an appropriate sample for audit, taking into consideration commission staff's recommendation and any other factor that is in the public interest. Staff will request a sample for audit based on the determination of the presiding officer.

(C) Within five working days of commission staff's request for an appropriate sample for audit under subparagraph (B) of this paragraph, intervenors may file comments in response to commission staff's request. The presiding officer is not required to consider the comments of the Office of Public Utility Counsel (OPUC) or other intervenors when determining an appropriate sample for audit.

(D) An applicant must file the supporting documentation described by the transaction ledger that is associated with the sample for audit of eligible plant designated by the presiding officer within a reasonable timeframe.

(E) Commission staff must review the supporting documentation provided by the applicant and must include in its sufficiency recommendation as to whether the supporting documentation sufficiently accounts for all transaction details described by the transaction ledger.

(3) Additional information.

(A) The presiding officer or commission staff may require additional documentation from the applicant to:

(i) supplement the information or disclosures required under paragraph (1) of this subsection;

(ii) if the applicant has made the election under paragraph (1)(J)(ii)(I) of this subsection, provide additional supporting documentation responsive to a sample for audit of eligible plant under paragraph (2) of this subsection and approved by the presiding officer under paragraph (2) of this subsection; or

(iii) address additional issues specific to the application or are in the public interest to do so.

(B) Each party, other than commission staff, may serve no more than 20 requests for information and requests for admission of fact prior to the presiding officer determining an application to be sufficient.

(4) Requests for information. Except as otherwise provided by this section or as determined by the presiding officer, requests for information will be conducted in accordance with §22.144 of this title (relating to Requests for Information and Requests for Admission of Facts).

(A) Except for a request by commission staff, a request must not include subparts or multiple questions.

(B) Requests must be sequentially numbered, regardless of whether the requests are served at the same time or on different parties.

(C) Unless otherwise specified by the presiding officer or other applicable law, a response to a request must be served no later than ten working days after receipt of the discovery request.

(D) An objection to a request must be filed no later than five working days from receipt of the request. A request for which an objection is sustained or is withdrawn in response to an objection does not count towards a party's request limit.

(5) Commission processing of application.

(A) Sufficiency determination.

(i) To be deemed sufficient, an application must include:

(I) all information required by paragraph (1) of this subsection;

(II) if the applicant has made the election under paragraph (1)(J)(ii)(I) of this subsection, supporting documentation responsive to a sample for audit determined by the presiding officer under paragraph (2) of this subsection; and

(III) any additional information requested by the presiding officer or commission staff under paragraph (3) of this subsection.

(ii) The presiding officer will establish a procedural schedule for commission staff to file a recommendation on the sufficiency of an application filed under this section.

(iii) OPUC may file comments on the SIC application 30 days from the date the SIC application is filed.

(I) The commission will electronically provide to OPUC any additional data or information related to the application at no cost.

(II) Any confidential material provided to OPUC by the applicant or the commission that has been designated as confidential by the applicant under commission rules, a commission protective order, under Chapter 552 of the Texas Government Code, or other applicable law must remain confidential and is not subject to disclosure by OPUC without the express written consent of the applicant.

(iv) If commission staff recommends the application be found deficient:

(I) Commission staff must identify each application deficiency in its recommendation.

(II) An applicant will have five working days to file a response, which may include an amendment to the application to cure the deficiency.

(v) If the presiding officer determines the application is deficient, the presiding officer will file a notice of deficiency. The notice of deficiency will:

(I) cite the particular requirements with which the application does not comply; and

(II) include a timeline within which the applicant will have an opportunity to amend its application to cure the deficiencies.

(vi) In the event an application is amended, commission staff must file a recommendation on sufficiency of an amended application within a time period prescribed by the presiding officer.

(vii) An application will not be deemed sufficient by the presiding officer until at least 30 days from the date the initial application is filed.

(B) Commission evaluation and final determination. Unless otherwise extended in the manner provided in this subsection, upon finding an application sufficient under subparagraph (A) of this subsection, the presiding officer will set a procedural schedule that will enable the commission to issue a final order in the proceeding within 60 days from the date the application is determined to be sufficient. The commission may extend the deadline for not more than 15 days for good cause.

(i) The procedural schedule must include a deadline for commission staff to file its final recommendation on the application.

(ii) Each party, other than commission staff, may serve no more than 10 requests for information and requests for admission of fact prior to the presiding officer issuing a final proposed order on the application.

(iii) Requests for information under this subparagraph must be issued no later than ten working days from the date the application is determined to be sufficient by the presiding officer.

(iv) Commission staff must include in its recommendation whether the supporting documentation provided as part of the application under paragraph (1)(J)(ii)(I) of this subsection or the supporting documentation provided in response to a sample for audit under paragraph (2) of this subsection, as applicable, adequately substantiates each claimed eligible cost of the applicant utility's eligible plant for each project included in the audit or sample.

(e) Calculation of the SIC. The revenue requirement for the SIC must be calculated using the following formula: $SIC\ RR = (Reconcilable\ Cost * ROR) + Federal\ Income\ Taxes + Depreciation + ad\ valorem\ taxes + other\ revenue\ related\ taxes$. Where:

(1) SIC = the system improvement charge.

(2) $SIC\ RR$ = system improvement charge revenue requirement.

(3) Reconcilable Cost = the original costs of eligible plant placed into service after the later of the ending date of the 2019 reporting period reflected in the utility's annual report filed with the commission as required by §24.19 of this chapter or the end of the test year used in the utility's most recent base-rate proceeding, less:

(A) accumulated depreciation; and

(B) any costs for plant provided by explicit customer agreements or funded by customer contributions in aid of construction.

(4) Accumulated depreciation = depreciation accumulated for eligible plant after the date the eligible plant was placed in service.

(5) ROR = after-tax overall rate of return as defined in paragraph (10) of this subsection.

(6) Federal Income Taxes = current annual federal income tax, as related to eligible costs.

(7) Depreciation = current annual depreciation expense for the eligible plant.

(8) Ad Valorem Taxes = current annual amount of taxes based on the assessed value of the eligible cost.

(9) Other Revenue Related Taxes = current annual amount of any additional taxes resulting from the utility's increased revenues related to the SIC.

(10) The after-tax overall rate of return is one of the following:

(A) if the final order approving the utility's overall rate of return (i.e., the company's weighted-average cost of capital) was filed less than three years before the date that the utility files an application for a SIC, the after-tax rate overall of return is the one approved by the commission in the utility's last base-rate case; or

(B) if the final order approving the utility's overall rate of return (i.e., the company's weighted-average cost of capital) was filed three years or more before the date that the utility files an application for a SIC, the after-tax overall rate of return is the average of the commission's approved rates of return for water and sewer utilities in settled and fully litigated cases over the three years immediately preceding the filing of the SIC.

(11) The SIC must be calculated based on annualized meter equivalents, derived using the most recent month's total customer meter equivalents multiplied by 12. The base SIC must be calculated as the SIC RR divided by annual meter equivalents. The SIC for each meter size must be calculated as the base SIC multiplied by the multiplier for that meter size.

Figure: 16 TAC §24.76(e)(11)

(f) Notice.

(1) General notice requirements.

(A) Upon filing a SIC application with the commission, the applicant must also electronically provide a copy of its application to the OPUC.

(B) On or before the first working day after it files its application, the applicant must issue notice of its SIC application to all affected ratepayers by first class mail or, if the customer has agreed to receive communications electronically, by e-mail. If the applicant has a website, the applicant must also post a copy of the notice on its website accessible to the general public.

(2) Contents of notice. The notice must include, at a minimum, the following:

(A) the docket control number for the utility's SIC proceeding;

(B) information regarding the proposed SIC itemized for each type of service (i.e., water or sewer service, or both), as applicable, including:

(i) a brief description of the investments and costs the utility is seeking recovery for through the proposed SIC;

(ii) the time period for which the utility is seeking the proposed SIC to recover costs;

(iii) the proposed total SIC revenues sought by the utility;

(iv) a description of the proposed SIC as a monthly minimum bill charge for each meter size;

(v) for each customer meter size, an estimated total monthly bill at 5,000 gallons and 10,000 gallons;

(vi) a statement that substantially conforms to the following: "The effective date of the proposed rate change will be the date the commission issues a final order adopting the proposed SIC.";

(C) the intervention deadline;

(D) a brief explanation of how an affected ratepayer can intervene in the SIC proceeding or submit comments as a protestor; and

(E) an explanation of how intervention differs from protesting a rate increase.

(3) Completion of notice and intervention deadline.

(A) Notice is complete on the date that notice is physically or electronically mailed to all customers by the utility. If notice is mailed over multiple days, notice is complete on the last day of mailing.

(B) The intervention deadline is 25 days from the date service of notice is complete.

(4) Proof of notice. Within 15 days from the date notice was complete, the utility must file a proof of notice affidavit with the commission. The affidavit must:

(A) be sworn;

(B) be completed and signed by an officer or managerial employee of the utility that is qualified and authorized to verify and file notice on behalf of the utility;

(C) attest and verify that notice was issued to all affected ratepayers of the utility;

(D) attest and verify that each notice was posted to the utility's website in a manner accessible to the general public and include a hyperlink to the webpages where each notice is posted; and

(E) contain a copy of each notice issued by the utility

(h) Scope of proceeding. The issue of whether eligible costs included in an application for a SIC or an amendment to a SIC are prudent, reasonable, or necessary, will not be addressed in a proceeding under this section.

(i) SIC reconciliation. Costs recovered through a SIC are subject to reconciliation in the utility's next comprehensive rate case.

(1) Any amounts recovered through the SIC that are found to have been unreasonable, unnecessary, or imprudent, plus the corresponding return and taxes, must be refunded with carrying costs.

(2) The utility must pay to its customers carrying costs on these amounts calculated using the same rate of return that was applied to the recovered costs in establishing the SIC until the date the rates approved in the utility's next comprehensive rate case are effective. Thereafter, carrying costs must be calculated using the utility's rate of return authorized in the comprehensive rate case.

(3) A utility that uses group depreciation must perform a new depreciation study in its next comprehensive base rate proceeding.

(j) SIC application expenses. Recovery of expenses associated with a SIC application may be requested and must be reviewed in the utility's next comprehensive base rate case and in accordance with §24.44 of this chapter (relating to Rate-case Expenses Pursuant to Texas Water Code §13.187 and §13.1871).

(k) Requirement to file a rate case. A utility must file a comprehensive rate case under TWC §13.187, 13.1871, 13.18715, or 13.1872 within the following times from the date the commission files an order approving the SIC.

(1) Four years for a utility that was a Class A utility at the time of filing the SIC application.

(2) Six years for a utility that was a Class B utility at the time of filing the SIC application.

(3) Eight years for a utility that was a Class C or Class D utility at the time of filing the SIC application.

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 14, 2025.

TRD-202504166

Andrea Gonzalez

Rules Coordinator

Public Utility Commission of Texas

Earliest possible date of adoption: December 28, 2025

For further information, please call: (512) 936-7244

◆ ◆ ◆

CHAPTER 25. SUBSTANTIVE RULES
APPLICABLE TO ELECTRIC SERVICE
PROVIDERS
SUBCHAPTER O. UNBUNDLING AND
MARKET POWER
DIVISION 2. INDEPENDENT ORGANIZA-
TIONS

16 TAC §25.368

The Public Utility Commission of Texas (commission) proposes new 16 Texas Administrative Code (TAC) §25.368 relating to Commission Directives to ERCOT. This proposed rule will implement Public Utility Regulatory Act (PURA) §39.1514 as enacted by House Bill (HB) 1500 during the Texas 88th Regular Legislative Session. The new rule will set forth the framework for a commissioner to introduce and the commission to adopt a directive that requires ERCOT to take an official action.

Growth Impact Statement

The agency provides the following governmental growth impact statement for the proposed rule, as required by Texas Government Code §2001.0221. The agency has determined that for each year of the first five years that the proposed rule is in effect, the following statements will apply:

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

Fiscal Impact on Small and Micro-Businesses and Rural Communities

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

Takings Impact Analysis

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

Fiscal Impact on State and Local Government

Jessie Horn, Sr. Counsel, Rules and Projects Division, has determined that for the first five-year period the proposed rule

is in effect, there will be no fiscal implications for the state or for units of local government under Texas Government Code §2001.024(a)(4) as a result of enforcing or administering the sections.

Public Benefits

Ms. Horn has determined that for each year of the first five years the proposed section is in effect the public benefit anticipated as a result of enforcing the section will be greater transparency in how the commission issues a directive to ERCOT and when the commission requires ERCOT to take an official action. There will be no probable economic cost to persons required to comply with the rule under Texas Government Code §2001.024(a)(5).

Local Employment Impact Statement

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

Costs to Regulated Persons

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

Public Hearing

Commission staff will conduct a public hearing on this rulemaking if requested in accordance with Texas Government Code §2001.029. The request for a public hearing must be received by December 19, 2025. If a request for public hearing is received, commission staff will file in this project a notice of hearing.

Public Comments

Interested persons may file comments electronically through the interchange on the commission's website or by submitting a paper copy to Central Records, Public Utility Commission of Texas, 1701 North Congress Avenue, P.O. Box 13326, Austin, Texas 78711-3326. Comments must be filed by December 19, 2025. Comments should be organized in a manner consistent with the organization of the proposed rules. The commission invites specific comments regarding the costs associated with, and benefits that will be gained by, implementation of the proposed rule. The commission also requests any data, research, or analysis from any person required to comply with the proposed rule or any other interested person. The commission will consider the costs and benefits in deciding whether to modify the proposed rule on adoption. All comments should refer to Project Number 57883.

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

Statutory Authority

The new rule is proposed under Public Utility Regulatory Act (PURA) §14.002, which authorizes the commission to adopt and enforce rules reasonably required in the exercise of its powers and jurisdiction; §39.151, which grants the commission complete oversight of ERCOT; §39.1514, which requires the commission to adopt a rule specifying the types of directives the commission may issue through a contested case, rulemaking, memorandum, or written order, and the process for the commission to issue directives to ERCOT in an urgent or emergency situation.

Cross Reference to Statute: Public Utility Regulatory Act §14.002; §39.151; and §39.1514.

§25.368. Commission Directives to ERCOT.

(a) Applicability. This section applies to a directive, introduced by a commissioner and adopted by the commission, that requires ERCOT to take an official action, including an action that will create a new cost or fee, increase an existing cost or fee, or impose significant operational obligations on an entity. This section does not apply to a directive that the commission is statutorily required to issue, or an order that the commission issues through a commission proceeding, including a review process, that is initiated by ERCOT staff or commission staff.

(b) Scope. This section defines a directive, defines an official action, and establishes what process must be followed for a commissioner to introduce and the commission to adopt a directive that requires ERCOT to take an official action.

(c) Definitions. In this section, the following definitions apply unless the context indicates otherwise:

(1) Directive -- an instruction, introduced by a commissioner and adopted by a majority vote of the commission, that requires ERCOT to take an official action.

(2) Official action -- an action that requires approval by the ERCOT Board of Directors and impacts either the wholesale market or the operation of the grid in the ERCOT region. An official action does not include conducting a study, contracting with a third-party to conduct a study, a verbal update to the commission, a report, or a notification.

(d) Specific types of directives.

(1) Official action that creates a new cost or fee. A directive, introduced by a commissioner, that requires ERCOT to take an official action that will create a new cost or fee must be issued through a written order adopted by a majority vote of the commission in a contested case or rulemaking proceeding. An official action that creates a new cost or fee is one that results in:

(A) the creation of a new ancillary service; or

(B) the creation of a new program that imposes a new cost on ERCOT wholesale market participants.

(2) Official action that increases an existing cost or fee. A directive, introduced by a commissioner, that requires ERCOT to take an official action that will increase an existing cost or fee must be issued through a written order adopted by a majority vote of the commission in a contested case or rulemaking proceeding. An official action that increases an existing cost or fee is one that results in:

(A) a change in the amount of an existing ancillary service procured by ERCOT that is anticipated to result in a 25% or greater increase to the total annual cost of that ancillary service;

(B) a change to an operating reserve demand curve or ancillary service demand curve that increases the offer floor or the offer cap of the demand curve by 25% or more; or

(C) a change in the budget for a program that increases the costs to load serving entities by 25% or more.

(3) Official action that imposes significant operational obligations. A directive, introduced by a commissioner, that requires ERCOT to take an official action that will impose significant operational obligations must be issued through a written order adopted by a majority vote of the commission in a contested case or rulemaking proceeding. An official action that imposes significant operational obligations

on an entity is one that is anticipated to result in increased commitments through the Reliability Unit Commitment process.

(4) Official action that involves an ERCOT protocol. A directive, introduced by a commissioner, that requires ERCOT to take an official action that involves an ERCOT protocol must be issued through a written order or memorandum that is adopted by a majority vote of the commission in an open meeting. An official action that involves an ERCOT protocol is one that requires ERCOT to:

(A) develop a new ERCOT protocol;

(B) revise an existing ERCOT protocol; or

(C) designate an ERCOT protocol revision with urgent status.

(e) Commission consideration of a directive introduced by a commissioner. At least two days before an open meeting that the commission will consider a directive introduced by a commissioner, the commissioner introducing the directive will file a memorandum introducing the directive and materials relevant to the discussion of the directive, as applicable.

(1) Before the commission considers a directive, members of the public will be provided an opportunity to comment on the directive at an open meeting.

(2) At the commission's discretion, the commission may request written comment from the public on a directive introduced by a commissioner. Written comments from the public related to the directive may be limited to the appropriate process for the commission to issue the directive.

(3) Upon determination of the appropriate process to issue a directive, the commission may direct commission staff to initiate the appropriate process, as applicable.

(f) Urgent or emergency situation. Notwithstanding another provision of this section, the commission may issue a directive verbally to require ERCOT to take an official action in an urgent or emergency situation that poses an imminent threat to public health, public safety, or the reliability of the power grid. A verbal directive may be issued in an emergency meeting under Chapter 551 of the Texas Government Code.

(1) An urgent or emergency situation that poses an imminent threat to public health, public safety, or the reliability of the grid is deemed to have occurred if one of the following circumstances is imminent or likely to occur within 24 hours:

(A) the Texas Department of Public Safety activates a power outage alert for the ERCOT region in accordance with Section 411.301 of the Texas Government Code;

(B) ERCOT declares an energy emergency alert level 3;

(C) ERCOT instructs transmission operators to reduce demand on the power grid through controlled outages; or

(D) the frequency on the power grid falls below 59.8 Hz.

(2) Not later than 72 hours after the urgent or emergency situation ends, the commission will serve a written copy of the directive on ERCOT's general counsel and publicly file a written copy of the directive on its website. The written copy of the directive must include the following information:

(A) the circumstances giving rise to the directive issued by the commission;

(B) the directive issued by the commission to ERCOT;
and

(C) how the directive issued by the commission relates to the urgent or emergency situation.

(3) Upon receipt of the written copy of the directive, ERCOT must publicly publish the directive on its website and notify market participants of the directive.

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 14, 2025.

TRD-202504160

Andrea Gonzalez

Rules Coordinator

Public Utility Commission of Texas

Earliest possible date of adoption: December 28, 2025

For further information, please call: (512) 936-7244



PART 8. TEXAS RACING COMMISSION

CHAPTER 301. DEFINITIONS

16 TAC §301.1

The Texas Racing Commission (TXRC) proposes rule amendments in Texas Administrative Code, Title 16, Part 8, Chapter 301, §301.1. Definitions, concerning definitions in the Texas Rules of Racing. The purpose of this rule amendment is to define the terms "practicing veterinarian" and "unlicensed race event." TXRC is responsible for regulating all aspects of horse racing in Texas regardless of whether that racing involves pari-mutuel wagering as authorized by Texas Occupations Code §2023.001.

Comments on the proposal may be submitted to the Texas Racing Commission Executive Director, Amy F. Cook, via webpage comment form at <https://www.txrc.texas.gov/texas-rules-of-racing> or through the agency customer service desk at customer.service@txrc.texas.gov, or by calling the customer service phone number at (512) 833-6699. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

Agency Analysis

Government Growth Impact Statement Required by Texas Government Code §2001.022.

Amy F. Cook, Executive Director, has determined that the proposed rule change will not affect the local economy, so the Commission is not required to prepare a local employment impact statement under Government Code §2001.022.

Economic Impact Statement Required by Texas Government Code §2006.002.

Amy F. Cook, Executive Director, has determined that the proposed rule amendments will have no adverse economic effect on small businesses, micro-businesses, or rural communities, therefore preparation of an Economic Impact Statement as detailed under Texas Government Code §2006.002, is not required.

Regulatory Flexibility Analysis Required by Texas Government Code §2006.002.

Amy F. Cook, Executive Director, has determined that the proposed rule amendments will have no adverse economic effect on small businesses, micro-businesses, or rural communities, therefore preparation of a Regulatory Flexibility Analysis as detailed under Texas Government Code §2006.002, is not required.

Takings Impact Assessment Required by Texas Government Code §2007.043.

Amy F. Cook, Executive Director, has determined that no private real property interests are affected by the proposed rule amendments, and the proposed rule amendments 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 rule amendments do not constitute a taking or require a takings impact assessment under Texas Government Code §2007.043.

Local Employment Impact Statement Required by Texas Government Code §2001.024(A)(6).

Amy F. Cook, Executive Director, has determined that the proposed rule amendments are not expected to have any fiscal implications for state or local government as outlined in Texas Government Code §2001.024(A)(6).

Cost-Benefit Analysis Required by Texas Government Code §2001.024(A)(5).

Amy F. Cook, Executive Director has determined that the proposed rule amendments are expected to improve the positive economic impact, health, and safety of licensed horse racing in Texas by reducing the impact of unlicensed racing.

Fiscal Note Analysis Required by Texas Government Code §2001.024(A)(4).

Amy F. Cook, Executive Director has determined that no significant fiscal impact is associated with the proposed rule change.

Legal Review Required by Texas Government Code §2001.024(A)(3).

Amy F. Cook, Executive Director certifies that a legal review has been completed and the proposal is within agency's legal authority to adopt under §2023.001 of the Texas Occupations Code.

Statutory Authority. The amendments are proposed under Texas Occupations Code §2023.001.

Cross Reference to Statute. Texas Occupations Code §2023.001.

§301.1. Definitions.

(a) Words and terms defined in the Act shall have the same meaning when used in this part unless otherwise defined below.

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

(1) Act--The Texas Racing Act, Subtitle A-1, Title 13, Texas Occupations Code.

(2) Active license--a racetrack license designated by the commission as active.

(3) Age of a greyhound--determined as beginning on the day the greyhound is whelped.

(4) Age of a horse--determined as beginning on the first day of January in the year in which the horse is foaled.

(5) Application documents--documents submitted by an applicant for a license in support of the application.

(6) Application period--a period designated by the Commission for the submission of application documents for a racetrack license.

(7) Association grounds--all real property approved by the Commission for use by an association in the conduct of a race meeting.

(8) Association veterinarian--A veterinarian employed by the association.

(9) Authorized agent--a person appointed in writing by the owner or trainer of a horse or greyhound to represent the owner or trainer at a racetrack.

(10) Backstretch--the straightaway on the side of a track that is opposite to the finish line.

(11) Booking--a contract between an association and a kennel owner for the kennel owner to provide greyhounds to the association for a race meeting and for the association to provide kennel buildings to house the greyhounds.

(12) Branding--the act of a totalisator system imprinting a mutuel ticket with information that identifies the ticket as canceled or cashed and automatically making the appropriate notation in the system's memories.

(13) Canceled ticket--a mutuel ticket that represents a wager that has been canceled and withdrawn from the pari-mutuel pool.

(14) Cashed ticket--a mutuel ticket that is paid for a winning wager.

(15) Chief veterinarian--the chief veterinarian employed by the Commission.

(16) Common pool--a pool in which the wagers received at a receiving location are combined with the wagers received at a sending racetrack.

(17) Condition of a race--a characteristic element of the race, such as the distance, qualifications of animal to enter, purse or stakes, or other special features.

(18) Coupled entry--two or more horses entered in a race that, because of common ties of ownership, are joined to be a single betting interest in that race.

(19) Cushion--the top level of a dirt racetrack.

(20) Dead heat--a race in which two or more race animals finish at the same time.

(21) Double entry--an entry of two or more greyhounds in the same race that have either common ownership or the same trainer and are separate wagering interests.

(22) Encrypted--scrambled or otherwise manipulated audio-visual signals to mask the original video content of the signal to cause the signals to be indecipherable and unrecognizable to any person receiving the signal.

(23) Entry--a horse, or horses in the case of a coupled entry, made eligible to run in a race.

(24) Established weight--the racing weight for a greyhound established in accordance with the Rules.

(25) Exempt institutional investor--an investor who is:

(A) an insurance company as defined by the Securities Act of 1933, §2(13), a bank as defined by that Act, §3(a)(2), a savings and loan association or other institution referenced in that Act, §3(a)(5)(A), or a foreign bank or savings and loan association or equivalent institution;

(B) an investment company as defined by the Investment Company Act of 1940, §3(a), an issuer that would have been deemed an investment company under that Act except for the exclusion in that Act, §3(c)(1), or a business development company as defined by that Act, §2(c)(48);

(C) a small business investment company licensed by the United States Small Business Administration under the Small Business Investment Act of 1958, §301(c);

(D) a plan established and maintained by a state, its political subdivisions, or an agency or instrumentality of a state or its political subdivisions for the benefit of its employees;

(E) an employee benefit plan within the meaning of Title I of the Employee Retirement Income Security Act of 1974;

(F) a trust fund whose trustee is a bank or trust company and whose participants are exclusively plans of the types identified in subparagraph (D) or (E) of this definition, except trust funds that include as participants individual retirement accounts or H.R. 10 plans;

(G) a business development company as defined by the Investment Advisers Act of 1940, §202(a)(22), or an investment adviser registered under that Act;

(H) an organization described in the Internal Revenue Code, §501(c)(3);

(I) a dealer registered under the Securities Exchange Act of 1934, §15;

(J) a legal entity with a market value of at least \$50 million whose securities are traded on a nationally recognized or foreign securities exchange or interdealer quotation system, such as NASDAQ; and

(K) a legal entity, acting for its own account or the account of other exempt institutional investors, that in the aggregate owns and invests on a discretionary basis at least \$25 million in securities of issuers that are not affiliated with the entity, with the aggregate value of the securities being the cost of the securities, except if the entity reports its securities holdings in its financial statements based on their market value and no current information regarding the cost of the securities has been published, in which case the securities may be valued at market.

(26) Exotic pool--a mutuel pool that involves wagers on more than one entered horse or greyhound or on entries in more than one race.

(27) False start--failure of the starting gate or box doors to open simultaneously.

(28) Foul--an action by a horse or jockey that hinders or interferes with another horse or jockey during the running of a race.

(29) Greyhound race--a contest among greyhounds for purse, stakes, premium, or wager for money, run in the presence of the racetrack officials, including the following:

(A) Hurdle race--a race over a course in which jumps or hurdles are used.

(B) Match race--a race between two or more greyhounds, each the property of different owners, on terms agreed on by the owners and approved by the Commission.

(C) Overnight race--a race for which entries close 96 hours or less before the time set for the first race of the day on which the race is to be run.

(D) Purse race--a race for money or other prize to which the owners of the greyhounds engaged in the race do not contribute an entry.

(E) Race on the flat--a race over a course in which no jumps or other obstacles are placed.

(F) Stakes race--a race in which all money is to be deposited by the owners of the greyhounds engaged in the race, including a race of the day on which the stakes race is to be run.

(30) Groom--an individual employed by an owner or trainer of a racehorse to tend to the physical appearance of the horse and to perform chores in and around the stable.

(31) Growing medium--the substance immediately below the grass on a turf track.

(32) Handle--the total amount of money wagered at a race-track during a particular period.

(33) Horse--an equine of any breed, including a stallion, gelding, mare, colt, filly, or ridgling.

(34) Horse Race--a running contest between horses for entry fees, purse, prize, or other reward, including the following:

(A) Claiming race--a race in which a horse may be claimed in accordance with the Rules.

(B) Derby race--a race in which the first condition of eligibility is to be three years old.

(C) Futurity race--a race in which the first condition of eligibility is to be two years old.

(D) Guaranteed race--a race for which the association guarantees by its conditions a specified purse, which is the limit of its liability.

(E) Handicap race--a race in which the weights to be carried by the entered horses are adjusted by the racing secretary for the purpose of equalizing their respective chances of winning.

(F) Match race--a race between only two horses that are owned by different owners.

(G) Maturity race--a race in which the first condition of eligibility is to be four years of age or older.

(H) Optional claiming race--a claiming race in which there is an option to have horses entered to be claimed for a stated price or not eligible to be claimed.

(I) Progeny race--a race restricted to the offspring of a specific stallion or stallions.

(J) Purse or overnight race--a race for which owners of horses entered are not required by its conditions to contribute money toward its purse.

(K) Stakes race--a race to which nominators of the entries contribute to a purse.

(L) Starter race--an overnight race under allowance or handicap conditions, restricted to horses which have previously started for a designated claiming price or less, as stated in the conditions of the race.

(M) Walkover race--a stakes race in which only one horse starts or all the starters are owned by the same interest.

(N) Weight for age race--a race in which weights are assigned in keeping with the scale of weights in these rules.

(35) In today horse--a horse that is in the body of a race program which is entered into a race on the next consecutive race day.

(36) Inactive license--a racetrack license designated by the commission as inactive.

(37) Kennel area--an area for the boarding or training of greyhounds.

(38) Lead out--an individual who handles a greyhound from the lockout kennel to the starting box.

(39) Locked in the gate--a horse or greyhound that is prevented from leaving the starting gate or box due to the failure of the front door of the gate or box to open simultaneously with the other doors.

(40) Lure--a mechanical apparatus at a greyhound race-track consisting of a stationary rail installed around the track, a motorized mechanism that travels on the rail, and a pole that is attached to the mechanism and extends over the track, and to which a decoy is attached.

(41) Maiden--a horse or greyhound that has never won a race at a recognized race meeting authorized by the Commission or by another racing jurisdiction.

(42) Minus pool--a pool in which there are insufficient net proceeds to pay the minimum price to holders of the winning tickets.

(43) Mutuel field--a group of horses joined as a single betting interest in a race due to the limited numbering capacity of the totalisator.

(44) No race--a race that is canceled after being run due to a malfunction of the starting gate or box or any other applicable reason as determined by the Rules.

(45) Nominator--the person in whose name a horse or greyhound is entered for a race.

(46) Occupational licensee--an individual to whom the Commission has issued a license to participate in racing with pari-mutuel wagering.

(47) Odds--a number indicating the amount of profit per dollar wagered to be paid to holders of winning pari-mutuel tickets.

(48) Off time--the moment when, on signal from the starter, the horses or greyhounds break from the starting gate or box and run the race.

(49) Paddock--the area in which horses or greyhounds gather immediately before a race.

(50) Paper/Program Trainer--a licensed trainer who solely for the purposes of the official race program is identified as the trainer of a horse that is actually under the control of and trained by another person who may or may not hold a current trainer's license in any jurisdiction.

(51) Patron--an individual present on association grounds during a race meeting who is eligible to wager on the racing.

(52) Pecuniary interest--includes a beneficial ownership interest in an association, but does not include bona fide indebtedness or a debt instrument of an association.

(53) Performance--the schedule of horse or greyhound races run consecutively as one program. A greyhound performance

consists of fifteen or fewer races unless approved by the executive secretary.

(54) Photofinish--the system of recording pictures or images of the finish of a race to assist in determining the order of finish.

(55) Place--to finish second in a race.

(56) Post position--the position assigned to a horse or greyhound in the starting gate or box.

(57) Post time--the time set for the arrival at the starting gate or boxes by the horses or greyhounds in a race.

(58) Practicing Veterinarian- a Veterinarian in good standing with the Texas Board of Veterinary Medical Examiners (TBME) not under the employ of an Association or the TXRC and practicing in the restricted area of a racetrack.

(59) [(58)] Purse--the cash portion of the prize for a race.

(60) [(59)] Race date--a date on which an association is authorized by the Commission to conduct races.

(61) [(60)] Race day--a day in which a numerical majority of scheduled races is conducted and is a part of the association's allocated race days.

(62) [(61)] Race meeting--the specified period and dates each year during which an association is authorized to conduct racing and/or pari-mutuel wagering by approval of the Commission.

(63) [(62)] Racetrack facility--the buildings, structures and fixtures located on association grounds used by an association to conduct horse or greyhound racing.

(64) [(63)] Racetrack official--an individual appointed by the commission to officiate at a race meeting.

(65) [(64)] Racing judge--the executive racing official at a greyhound track.

(66) [(65)] Reasonable belief--a belief that would be held by an ordinary and prudent person in the same circumstances as the actor.

(67) [(66)] Recognized race meeting--a race meeting held under the sanction of a turf authority.

(68) [(67)] Refunded ticket--a pari-mutuel ticket that has been refunded for the value of a wager that is no longer valid.

(69) [(68)] Rule off--to bar an individual from the enclosure of an association and to deny all racing privileges to the individual.

(70) [(69)] Rules--the rules adopted by the Texas Racing Commission found in Title 16, Part VIII of the Texas Administrative Code.

(71) [(70)] Schooling race--a practice race conducted under actual racing conditions but for which wagering is not permitted.

(72) [(71)] Scratch--to withdraw an entered horse or greyhound from a race after the closing of entries.

(73) [(72)] Scratch time--the closing time set by an association for written requests to withdraw from a race.

(74) [(73)] Show--to finish third in a race.

(75) [(74)] Specimen--a bodily substance, such as hair, blood, urine, saliva, or other bodily tissues taken for analysis from a horse, greyhound, or individual in a manner prescribed by the Commission.

(76) [(75)] Stakes payments--the fees paid by subscribers in the form of nomination, entry, or starting fees to be eligible to participate.

(77) [(76)] Stallion owner--a person who is owner of record, at the time of conception, of the stallion that sired the accredited Texas-bred horse.

(78) [(77)] Starter--a horse or greyhound entered in a race when the doors of the starting gate or box open in front of the horse or greyhound at the time the official starter dispatches the horses or greyhounds.

(79) [(78)] Straight pool--a mutuel pool that involves wagers on a horse or greyhound to win, place, or show.

(80) [(79)] Subscription--money paid to nominate, enter, or start a horse or greyhound in a stakes race.

(81) [(80)] Tack room--a room in the stable area of a horse racetrack in which equipment for training and racing the horses is stored.

(82) [(81)] Totalisator--a machine or system for registering and computing the wagering and payoffs in pari-mutuel wagering.

(83) [(82)] Tote board--a facility at a racetrack that is easily visible to the public on which odds, payoffs, advertising, or other pertinent information is posted.

(84) [(83)] Tote room--the room in which the totalisator equipment is maintained.

(85) [(84)] Tout--an individual licensed to furnish selections on a race in return for a set fee.

(86) [(85)] Trial--a race designed primarily to determine qualifiers for finals of a stakes race.

(87) Unlicensed Race Event--a match race, multiple horse race, or timed activity involving two or more horses racing simultaneously, may or may not involve pari-mutuel wagering, and involves any of the following:

(A) owners, trainers, or jockeys receiving purses, compensation, or prizes as part of the performance;

(B) conducted as a spectator event in which spectators are charged for entry onto the event grounds;

(C) horses, owners, or trainers are assessed an entry fee for participation;

(D) advertisement or open marketing as a racing event, including social media, website posts, or printed handouts during the event detailing the race information;

(E) is required to have a mass gathering permit under Texas Health and Safety Code 751.0021.

(88) [(86)] Uplink--an earth station broadcasting facility, whether mobile or fixed, which is used to transmit audio-visual signals and/or data emanating from a sending racetrack, and includes the electronic transfer of received signals from the receiving antenna to TV monitors within the receiving location.

(89) [(87)] Weigh in--the process by which a jockey is weighed after a race or by which a greyhound is weighed before being placed in the lockout kennel.

(90) [(88)] Weighing in weight--the weight of a greyhound on weighing in to the lockout kennel.

(91) [(89)] Weigh out--the process by which a jockey or greyhound is weighed before a race.

(92) [(90)] Weighing out weight--the weight of a greyhound on weighing out of the lockout kennel immediately before post time for the race in which the greyhound is entered.

(93) [(94)] Win--to finish first in a race.

(94) [(92)] Winner--

(A) for horse racing, the horse whose nose reaches the finish line first, while carrying the weight of the jockey or is placed first through disqualification by the stewards; and

(B) for greyhound racing, the greyhound whose muzzle, or if the muzzle is lost or hanging, whose nose reaches the finish line first or is placed first through disqualification by the judges.

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 12, 2025.

TRD-202504130

Amy F. Cook

Executive Director

Texas Racing Commission

Earliest possible date of adoption: December 28, 2025

For further information, please call: (512) 833-6699



CHAPTER 307. PROCEEDINGS BEFORE THE COMMISSION

SUBCHAPTER C. PROCEEDINGS BY STEWARDS AND RACING JUDGES

16 TAC §307.62

The Texas Racing Commission (TXRC) proposes an amendment to §307.62. Disciplinary Hearings.

Purpose and Background: This proposal authorizes hearings to be conducted either by a panel of three stewards or an individual steward and outlines the assignment of cases between the two panels. The proposal also removes references to greyhound racing in the subtitle heading and the text of the rule.

Comments on the proposal may be submitted to the Texas Racing Commission Executive Director, Amy F. Cook, via webpage comment form at <https://www.txrc.texas.gov/texas-rules-of-racing> or through the agency customer service desk at customer.service@txrc.texas.gov, or by calling the customer service phone number at (512) 833-6699. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

Fiscal Note.

Amy Cook, Executive Director, has determined that for the first five years the proposed rule is in effect: (1) there are no foreseeable implications relating to costs or revenues of state or local governments as a result of enforcing or administering the rule; and (2) there are no estimated reductions in costs to, or increases in revenues of, state or local governments.

Public Benefit and Cost Note.

Amy Cook has determined that for each year of the first five years the proposed rule is in effect, the public benefit will be clearer rules regarding disciplinary hearings by stewards. There is no probable economic cost to persons required to comply with the rule because the change is procedural and removes unused or unnecessary text.

Local Employment Impact Statement.

The Commission has determined that the proposed rule will not affect local economies and therefore no local employment impact statement is required.

Small Business, Micro-Business, and Rural Community Impact Analysis.

The proposed rule does not have an adverse economic effect on small businesses, micro-businesses, or rural communities because it imposes no additional costs and only removes a subsection and rennumbers another.

Government Growth Impact Statement.

For the first five years the rule is in effect: (1) the rule does not create or eliminate a government program; (2) implementation does not require the creation or elimination of employee positions; (3) implementation does not require an increase or decrease in future appropriations; (4) the rule does not require an increase or decrease in fees; (5) the rule does not create a new regulation; (6) the rule does not expand, limit, or repeal an existing regulation other than removing an unnecessary subsection and renumbering; and (7) the rule does not positively or adversely affect the state economy.

Takings Impact Assessment.

The Commission has determined that no private real property interests are affected by this proposal and a takings impact assessment is not required.

Regulatory Analysis.

The proposal is not a "major environmental rule" as defined by Texas Government Code,

§2001.0225, and does not require a regulatory analysis.

Statutory Authority.

The amendment is proposed under Texas Occupations Code, §2023.001(a) and

§2023.004, which authorize the agency to regulate all aspects of horse racing and require the Commission to adopt rules for conducting racing and to administer the Texas Racing Act, and §2023.106(b), which requires the Commission to adopt rules specifying the powers and duties of race meeting officials.

Cross-Reference to Statute.

Texas Occupations Code, §2023.001(a), §2023.004, and §2023.106.

§307.62. Disciplinary Hearings.

(a) Authority to Conduct. On their own motion or on receipt of a complaint regarding the actions of an occupational licensee, the stewards [and racing judges] may conduct a disciplinary hearing regarding the licensee's actions.

(1) A disciplinary hearing may be conducted by a steward or a panel of three stewards. In either case, a steward or a panel of three

stewards shall have all the authority and powers granted by this section and the rules.

(2) Matters assigned to a panel of three stewards. The following shall be heard by a panel of three stewards:

(A) alleged violations occurring during the running of a race, including matters affecting the order of finish, interference, riding/crop use, or other on-track conduct;

(B) alleged violations involving the handling, care, custody, safety, or welfare of a horse while on association grounds;

(C) hearings on summary suspensions; and

(D) any matter the presiding steward designates for panel hearing because of its complexity, potential to affect the integrity of racing, anticipated sanction severity, or substantial public interest.

(3) Matters eligible for a single-steward hearing. Unless assigned to a panel under paragraph (2) of this subsection or transferred under paragraph (4) of this subsection, the following may be heard by a single steward:

(A) device, medication and testing-related rule violations, including laboratory positives and associated chain-of-custody or documentation issues;

(B) licensing, credentials, and access-control violations not involving a summary suspension;

(C) entry, scratch, weight, equipment, identification, and similar compliance matters that do not arise from the running of a race; and

(D) other compliance violations of a routine or administrative nature.

(4) Transfer and consolidation. On a steward's own motion or on a party's motion, any single-steward matter may be transferred to a panel of three stewards when warranted by the seriousness, complexity, number of parties, overlapping issues with panel matters, or the interests of uniformity. Related cases may be consolidated before the same forum to promote consistency and efficiency.

(5) Notice of forum. The notice of hearing shall state whether the matter is assigned to a single steward or to a panel of three stewards. A party's motion to transfer should be filed promptly after notice; the presiding steward shall issue a brief written ruling on any transfer motion.

(6) No limitation on authority. Assignment to a single steward or to a panel does not limit the forum's authority to impose any sanction authorized by statute or rule.

(7) If a disciplinary hearing is conducted by a steward, the steward shall:

(A) have exclusive jurisdiction of all the issues at the disciplinary hearing;

(B) comply with §307.63(b) and (d) of this title (relating to Ruling); and

(C) sign the ruling deciding the issue.

(8) A disciplinary hearing conducted by a panel of three stewards is governed by §307.63 of this title.

(b) Notice of Hearing. Except as otherwise provided by the Rules, the stewards [~~and racing judges~~] shall provide written notice to a person who is the subject of a disciplinary hearing at least 10 calendar days before the hearing. Notice given under this subsection must state

the nature of the charges against the person and the possible penalties that may be imposed. The stewards [~~and racing judges~~] or their designee may hand deliver the written notice of the disciplinary hearing to the licensee who is the subject of the hearing. Alternatively, the stewards [~~and racing judges~~] may provide the notice by sending it by both certified mail, return receipt requested, and regular mail to the licensee's last known address as found in the Racing Commission's licensing records. The stewards [~~and racing judges~~] may also send the notice by electronic mail provided that the Commission verifies receipt by the licensee. The person may waive his or her right to 10 days notice. Nonappearance of a licensee to whom notice has been provided under this subsection shall be deemed a waiver of the right to a hearing before the stewards.

(c) Rights of the Licensee. At a disciplinary hearing conducted by the stewards [~~or racing judges~~], the person who is the subject of the disciplinary hearing has the following rights, all of which the person may waive:

(1) the right to counsel;

(2) the right to present a defense;

(3) the right to make an opening and closing statement;

(4) the right to call witnesses; and

(5) the right to cross-examine witnesses testifying against the person.

(d) Evidence.

(1) Each witness at a disciplinary hearing conducted by the stewards [~~or racing judges~~] must be sworn by the presiding steward [~~or racing judge~~].

(2) To facilitate participation by licensees, the stewards [~~and racing judges~~] may permit witnesses to testify at a disciplinary hearing via telephone if the stewards [~~or racing judges~~] make reasonable assurances that the person testifying is who he or she purports to be.

(3) The stewards [~~and racing judges~~] shall make a record of a disciplinary hearing.

(4) The stewards [~~and racing judges~~] shall allow a full presentation of evidence and are not bound by the technical rules of evidence. However, the stewards [~~and racing judges~~] may disallow evidence that is irrelevant or unduly repetitive of other evidence. The stewards shall have the authority to determine, in their sole discretion, the weight and credibility of any evidence and/or testimony. The stewards [~~and racing judges~~] may admit hearsay evidence if the stewards [~~and racing judges~~] determine the evidence is of a type that is commonly relied on by reasonably prudent people. The rules of privilege recognized by state law apply in hearings before the stewards [~~and racing judges~~]. Hearsay evidence that is not otherwise admissible under the exceptions of the Texas Rules of Evidence is an insufficient basis alone for a ruling.

(e) Burden of Proof. The burden of proof is on the person bringing the complaint to show, by a preponderance of the evidence, that the licensee has violated or is responsible for a violation of the Act or a Commission rule.

(f) Continuances.

(1) Upon receipt of a notice, a person may request a continuance of the hearing.

(2) For good cause shown, the stewards ~~or racing judges~~ may grant a continuance of any hearing for a reasonable period of time.

(3) The stewards [~~or racing judges~~] may at any time order a continuance on their own motion.

(g) Agreed Settlement. The person who is the subject of the disciplinary hearing may waive the right to a hearing and subsequent appeal and enter into an agreed settlement with the stewards [~~or racing judges~~].

(h) Failure to Appear. The stewards [~~or racing judges~~] may suspend the license of a person who fails to appear at a disciplinary hearing after receiving written notice of the hearing until the matter is adjudicated.

(i) Summary Suspension. If the stewards [~~or racing judges~~] determine that a licensee's actions constitute an immediate danger to the public health, safety, or welfare, the stewards [~~or racing judges~~] may enter a ruling summarily suspending the license, without a prior hearing. A summary suspension takes effect immediately on issuance of the ruling. If the stewards [~~or racing judges~~] suspend a license under this subsection, the licensee is entitled to a hearing on the summary suspension within seven days after the ruling.

(j) Discovery.

(1) Prior to a disciplinary hearing, upon written request served on the opposing party, a party shall be entitled, subject to the limitations in §2022.103, §2.15 of the Act, to:

(A) the name and address of any witness who may be reasonably expected to testify on behalf of the opposing party, together with a brief summary of the subject matter of each witness's anticipated testimony; and

(B) copies of all documents or other materials in the possession or control of the opposing party that the opposing party reasonably expects to introduce into evidence in either its case-in-chief or in rebuttal. Rebuttal documents, to the extent that they are not immediately identifiable, shall be tendered to the opposing party forthwith upon identification.

(2) A party may obtain discovery only by making a written request for the production of witness lists, documents, and other materials, as provided in paragraph (1) of this subsection.

(3) The stewards [~~and racing judges~~] may exclude from a disciplinary hearing any witnesses, documents, and other materials that were not properly disclosed in accordance with this subsection unless good cause is shown for the failure to disclose them.

(4) Discovery requests under this section shall not be cause for postponement or delay of a disciplinary hearing or of the disposition of the proceedings.

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 12, 2025.

TRD-202504133

Amy F. Cook

Executive Director

Texas Racing Commission

Earliest possible date of adoption: December 28, 2025

For further information, please call: (512) 833-6699



CHAPTER 309. RACETRACK LICENSES AND OPERATIONS

SUBCHAPTER C. HORSE RACETRACKS DIVISION 3. FACILITIES FOR LICENSEES

16 TAC §309.282

The Texas Racing Commission (TXRC) proposes rule amendments in Texas Administrative Code, Title 16, Part 8, Chapter 309, §309.282. Living Quarters for Licensees. The purpose of this rule amendment is to address feedback from the State Fire Marshal's Office (SFMO) regarding appropriate fire inspection standards. This rule change enables the standards to be updated over time without additional rule changes and aligns our rules with the expectations of the SFMO including National Fire Protection Act 150 which specifically addresses the horse industry.

Comments on the proposal may be submitted to the Texas Racing Commission Executive Director, Amy F. Cook, via webpage comment form at <https://www.txrc.texas.gov/texas-rules-of-racing> or through the agency customer service desk at customer.service@txrc.texas.gov, or by calling the customer service phone number at (512) 833-6699. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

Agency Analysis

Government Growth Impact Statement Required by Texas Government Code §2001.022.

Amy F. Cook, Executive Director, has determined that the proposed rule change will not affect the local economy, so the Commission is not required to prepare a local employment impact statement under Government Code §2001.022.

Economic Impact Statement Required by Texas Government Code §2006.002.

Amy F. Cook, Executive Director, anticipates that some licensed racetracks may incur compliance costs to update facilities and procedures to align with the current editions of applicable NFPA standards. The magnitude and timing of any costs will vary materially by facility based on factors such as facility size and layout, existing fire protection systems, construction type and age, the specific NFPA editions currently applicable onsite, and whether compliance is triggered by new construction or substantial renovation. Because these variables are facility-specific, depend upon the processes of other state agencies, and the Commission presently lacks comprehensive data necessary to produce a reasonable statewide estimate, the Commission cannot quantify a probable cost range at proposal.

Request for Cost Information. The Commission requests that affected persons submit facility-level cost information (e.g., vendor quotes, recent invoices, inspection/testing costs, and any expected operational impacts) to inform the adoption preamble and the agency record.

Regulatory Flexibility Analysis Required by Texas Government Code §2006.002.

Amy F. Cook, Executive Director, has determined that the proposed rule amendments will have no adverse economic effect on small businesses, micro-businesses, or rural communities, therefore preparation of a Regulatory Flexibility Analysis as detailed under Texas Government Code §2006.002, is not required.

Takings Impact Assessment Required by Texas Government Code §2007.043.

Amy F. Cook, Executive Director, has determined that no private real property interests are affected by the proposed rule amendments, and the proposed rule amendments 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 rule amendments do not constitute a taking or require a takings impact assessment under Texas Government Code §2007.043.

Local Employment Impact Statement Required by Texas Government Code §2001.024(A)(6).

Amy F. Cook, Executive Director, has determined that the proposed rule amendments are not expected to have any fiscal implications for state or local government as outlined in Texas Government Code §2001.024(A)(6).

Cost-Benefit Analysis Required by Texas Government Code §2001.024(A)(5).

Amy F. Cook, Executive Director has determined that the proposed rule amendments are expected to improve the positive economic impact, health, and safety of licensed horse racing in Texas by reducing the impact of unlicensed racing.

Fiscal Note Analysis Required by Texas Government Code §2001.024(A)(4).

Amy F. Cook, Executive Director has determined that no significant fiscal impact is associated with the proposed rule change.

Legal Review Required by Texas Government Code §2001.024(A)(3).

Amy F. Cook, Executive Director certifies that a legal review has been completed and the proposal is within agency's legal authority to adopt under §2026.001 of the Texas Occupations Code.

Statutory Authority. The amendments are proposed under Texas Occupations Code §2026.001.

Cross Reference to Statute. Texas Occupations Code §2026.001.

§309.282. *Living Quarters for Licensees.*

(a) If an association permits licensees to reside on association grounds, the association shall provide living quarters for the licensees.

(b) The living quarters must be in a permanent structure and be adequate to house the anticipated number of licensees who will be living on association grounds. The association must provide equivalent facilities for men and women licensees.

(c) The living quarters must be in compliance with the Texas State Fire Marshall's Office (SFMO) codes using the appropriate National Fire Protection Association (NFPA) standards and equipped with:

- (1) windows that open;
- (2) heating;
- (3) hot and cold water; and
- (4) showers, toilets, and sinks.

(d) An association may not permit an individual to sleep in the stable areas [area], including barn and tack room areas, if the occupancy creates a violation of the NFPA standards, specifically NFPA 150 covering "Horse Barns." [except:]

{(1) in a facility provided in accordance with this section;}

{(2) in a barn that was constructed after 1990 of fire retardant materials; or}

{(3) in a tack room that was constructed after 1990 of fire retardant materials, provided the tack room has a window that opens.}

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 12, 2025.

TRD-202504134

Amy F. Cook

Executive Director

Texas Racing Commission

Earliest possible date of adoption: December 28, 2025

For further information, please call: (512) 833-6699



CHAPTER 311. OTHER LICENSES

SUBCHAPTER A. LICENSING PROVISIONS

DIVISION 1. OCCUPATIONAL LICENSES

16 TAC §311.1

The Texas Racing Commission (TXRC) proposes rule amendments in Texas Administrative Code, Title 16, Part 8, Chapter 311, Subchapter A, Division 1, Occupational Licenses, §311.1, Occupational Licenses. The purpose of this rule amendment is to protect the safety and integrity of licensed horseracing by regulating the licensed activity of licensees who participate in unlicensed racing. It is estimated that the number of unlicensed tracks outnumbers licensed tracks by a 10 to 1 ratio in Texas.

Agency Analysis

Government Growth Impact Statement Required by Texas Government Code §2001.022.

Amy F. Cook, Executive Director, has determined that the proposed rule change will not affect the local economy, so the Commission is not required to prepare a local employment impact statement under Government Code §2001.022.

Economic Impact Statement Required by Texas Government Code §2006.002.

Amy F. Cook, Executive Director, has determined that the proposed rule amendments will have no adverse economic effect on small businesses, micro-businesses, or rural communities, therefore preparation of an Economic Impact Statement as detailed under Texas Government Code §2006.002, is not required.

Regulatory Flexibility Analysis Required by Texas Government Code §2006.002.

Amy F. Cook, Executive Director, has determined that the proposed rule amendments will have no adverse economic effect on small businesses, micro-businesses, or rural communities, therefore preparation of a Regulatory Flexibility Analysis as detailed under Texas Government Code §2006.002, is not required.

Takings Impact Assessment Required by Texas Government Code §2007.043.

Amy F. Cook, Executive Director, has determined that no private real property interests are affected by the proposed rule amendments, and the proposed rule amendments 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 rule amendments do not constitute a taking or require a takings impact assessment under Texas Government Code §2007.043.

Local Employment Impact Statement Required by Texas Government Code §2001.024(A)(6).

Amy F. Cook, Executive Director, has determined that the proposed rule repeal and rule amendments are not expected to have any fiscal implications for state or local government as outlined in Texas Government Code §2001.024(A)(6).

Public Benefit and Cost Note.

Amy Cook has determined that for each year of the first five years the proposed rule is in effect, the public benefit will be clearer rules regarding the licensed activity of licensees who participate in unlicensed racing. There is no probable economic cost to persons required to comply with the rule because the change is procedural.

Cost-Benefit Analysis Required by Texas Government Code §2001.024(A)(5).

Amy F. Cook, Executive Director has determined that the proposed rule amendments are expected to improve the positive economic impact, health, and safety of licensed horse racing in Texas by reducing the impact of unlicensed racing.

Fiscal Note Analysis Required by Texas Government Code §2001.024(A)(4).

Amy F. Cook, Executive Director has determined that no significant fiscal impact is associated with the proposed rule change.

Comments on the proposal may be submitted to the Texas Racing Commission Executive Director, Amy F. Cook, via webpage comment form at <https://www.txrc.texas.gov/texas-rules-of-racing> or through the agency customer service desk at customer.service@txrc.texas.gov, or by calling the customer service phone number at (512) 833-6699. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

Statutory Authority. The amendments are proposed under Texas Occupations Code §2023.001.

Cross Reference to Statute. Texas Occupations Code §2023.001.

§311.1. Occupational Licenses

(a) License Required.

(1) A person other than a patron may not participate in racing at which pari-mutuel wagering is conducted unless the person has a valid license issued by the Commission.

(2) A person holding a TXRC Occupational License may not participate in unlicensed racing as defined in Texas Occupations Code §2023.001 and 2023.003(a), and the Texas Rules of Racing §301.1 of this title (relating to Definitions). A person may not attain a TXRC Occupational License for 90 days after having been found to have participated in an unlicensed racing event.

(3) [(2)] A licensee may not employ a person to work at a racetrack at which pari-mutuel wagering is conducted unless the person has a valid license issued by the Commission.

(4) [(3)] An association may not employ a person who works in an occupation that affords the employee an opportunity to influence racing with pari-mutuel wagering, or who will likely have significant access to the backside or restricted areas of a racetrack, unless the person has a valid license issued by the Commission.

(b) Duration of License.

(1) Except as provided in paragraph (2) of this subsection, an occupation license expires one year after the last day of the month in which the license was issued.

(2) An applicant for the following occupational license types may choose to have a multi-year license which expires on the last day of the month two years or three years after the month in which the license was issued; kennel owner, kennel owner/owner, kennel owner/owner/trainer, kennel owner/trainer, owner, owner/trainer, trainer, veterinarian, jockey, or multiple owner/stable/farm registration license.

(c) License Conditions.

(1) Except as otherwise provided by this section, a license issued by the Commission is a privilege, not a right, and is conditioned on the licensee's compliance with the Act and the Rules.

(2) If the Act or a rule is amended, the continued holding of a license is conditioned on the licensee's compliance with the Act or rule as amended.

(d) Effect of Acceptance. By accepting a license issued by the Commission, a person consents to:

(1) a search by the Commission of the person and the person's possessions at a racetrack to check for violations of the Act or the Rules;

(2) seizure of contraband; and

(3) testing for alcohol and controlled substances in accordance with subchapter D of this chapter.

(e) Unlicensed Racing.

(1) Any licensee or racehorse owned or trained by a licensee participating in an unlicensed race event:

(A) Shall be ineligible for entry or participation in live racing or official works until the 90th day after attending the unlicensed race event; and

(B) Shall be prohibited from accessing any living space or stabling area within a licensed racetrack or training facility during the same period.

(2) Any horse that has participated in an unlicensed race event, or has been housed in proximity to a horse that has, shall be placed on the veterinarian's list by an agency veterinarian and ineligible for removal from the list until the 90th day following participation in the unlicensed race event. A horse that is on the veterinarian's list under this rule, or that has participated in an unlicensed race event within the previous 12 months, must be inspected and cleared by a Commission veterinarian before becoming eligible for entry, live racing, official works, or access to the stabling area of a licensed racetrack or training facility.

(3) Any licensee with knowledge of a horse participating in an unlicensed race event:

(A) Shall disclose the name of the horse to the Commission in order to protect the animal from cruel or inhumane treatment; and

(B) Shall present a health inspection and current negative Coggins test record with a date reflecting a time after the racehorse's participation in the unlicensed race event if the horse is under the licensee's care and the licensee is seeking to enter or participate in live racing. The licensee shall make the horse available for any testing for Reportable Disease if directed by the Texas Animal Health Commission.

(4) While participating in an unlicensed race event, if Commission-licensed jockeys, trainers, or owners are observed to possess or use a prohibited device defined under Texas Racing Act 2021.003(10)(B) or 2021.003(37) the executive director shall declare them ineligible to participate in live racing or official works for a period of 180 days.

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 12, 2025.

TRD-202504135

Amy F. Cook

Executive Director

Texas Racing Commission

Earliest possible date of adoption: December 28, 2025

For further information, please call: (512) 833-6699



SUBCHAPTER B. SPECIFIC LICENSES

16 TAC §311.104

The Texas Racing Commission proposes amendments to §311.104 Trainers. The proposal removes obsolete references to greyhounds and racing judges where appropriate; deletes a section allowing trainers without a license to enter a horse under some circumstances; and makes conforming edits throughout for consistency.

Comments on the proposal may be submitted to the Texas Racing Commission Executive Director, Amy F. Cook, via webpage comment form at <https://www.txrc.texas.gov/texas-rules-of-racing> or through the agency customer service desk at customer.service@txrc.texas.gov, or by calling the customer service phone number at (512) 833-6699. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

Fiscal Note (Texas Government Code §2001.024(a)(4))

Amy Cook, Executive Director, has determined that for each year of the first five years the proposed amendments are in effect, there will be no significant fiscal implications for state or local governments as a result of enforcing or administering the amendments.

Public Benefit and Cost Note (Texas Government Code §2001.024(a)(5))

For each year of the first five years the amendments are in effect, the public benefit anticipated will be clearer, more consistent trainer licensing and responsibility requirements aligned with current statutory authorities. The Commission does not anticipate additional costs to persons required to comply beyond existing licensing and examination fees already specified in rule.

To the extent the proposal removes a prior discretionary waiver of examination requirements, applicants may incur a one-time \$50 testing fee and time to complete the examinations; these impacts are expected to be minimal.

Local Employment Impact Statement (Texas Government Code §2001.022)

The Commission has determined that the proposal will not adversely affect a local economy; therefore, no local employment impact statement is required.

Small Business, Micro-Business, and Rural Community Impact (Texas Government Code Chapter 2006)

The Commission does not anticipate an adverse economic effect on small businesses, micro-businesses, or rural communities. Accordingly, an economic impact statement and regulatory flexibility analysis are not required under Texas Government Code §2006.002.

Government Growth Impact Statement (Texas Government Code §2001.0221)

For each year of the first five years the proposal is in effect: (1) the amendments do not create or eliminate a government program; (2) they do not require the creation or elimination of employee positions; (3) they do not require an increase or decrease in future legislative appropriations; (4) they do not require an increase or decrease in fees paid to the agency; (5) they do not create a new regulation; (6) they amend existing regulations; (7) they do not change the number of individuals subject to the rule's applicability; and (8) they are not expected to have a positive or adverse effect on the state's economy.

Takings Impact Assessment (Texas Government Code Chapter 2007)

The Commission has determined that the proposal does not affect private real property and does not constitute a taking under Texas Government Code Chapter 2007.

Statutory Authority

The amendments are proposed under Texas Occupations Code §2025.001, which requires the Commission to adopt rules relating to license applications and the financial responsibility, moral character, and ability of applicants; §2025.252, which authorizes the Commission to adopt categories of occupational licenses and specify qualifications by rule; and §2023.004, which requires the Commission to adopt rules for conducting horse racing involving wagering. The amendments affect Texas Occupations Code §§2025.001, 2025.251-2025.254, and 2025.252.

Cross-Reference to Statute

Texas Occupations Code §§2021.002, 2023.004, 2025.001, 2025.251, and 2025.252.

§311.104. *Trainers.*

(a) Licensing.

(1) [A trainer may enter a horse or greyhound in a race without first obtaining a license, but must obtain a license one hour prior to the post time of the first race of the day in which the trainer intends to race the horse or greyhound.] Except as otherwise provided by this section, to be licensed by the Commission as a trainer, a person must:

(A) be at least 18 years old;

(B) submit a minimum of two written statements from licensed trainers, veterinarians, or owners, ~~[or kennel owners,]~~ attesting to the applicant's character and qualifications;

(C) interview with the board of stewards ~~[or judges]~~;

(D) satisfactorily complete a written examination prescribed by the Commission; and

(E) satisfactorily complete a practical examination prescribed by the Commission and administered by the stewards or the steward's designee ~~[or racing judges or designee of the stewards or racing judges]~~.

(2) Examinations.

(A) A \$50 non-refundable testing fee is assessed for administering the written and practical examinations. The fee is due and payable at the time the written examination is scheduled. If the applicant fails the written or practical examination, the applicant will be allowed to retake it once without an additional fee. The applicant must pay a \$50 non-refundable testing fee to schedule an examination after each retest. A minimum of 48 hours advance notice is required to reschedule an examination appointment without loss of the testing fee. An applicant who fails to timely reschedule an examination appointment must pay a new testing fee to reschedule the appointment. A steward ~~[or judge]~~ may waive the additional fee if, in the opinion of the steward ~~[or judge]~~, the applicant shows good cause for the failure to timely reschedule an examination appointment.

(B) The standard for passing the written examination must be printed on the examination. An applicant who fails the written examination may not take the written examination again before the 90th day after the applicant failed the written examination. An applicant who fails the written examination for a second or any subsequent time may not reschedule the written examination for 180 calendar days after the last failure and the applicant must pay an additional \$50 non-refundable testing fee. After successful completion of the written exam an applicant has 365 calendar days to successfully complete the practical exam.

(C) An applicant who fails the practical examination may not reschedule the practical examination again before the 180th day after the applicant failed the practical examination. An applicant who fails the practical examination for a second time may not reschedule another practical examination for 365 calendar days after the day the applicant failed the second practical examination and the applicant must pay an additional \$50 non-refundable testing fee.

(D) The Commission may waive the requirement of a written and/or practical examination for a person who has a current license issued by another pari-mutuel racing jurisdiction. If a person for whom the examination requirement was waived demonstrates an inability to adequately perform the duties of a trainer, through excessive injuries, rulings, or other behavior, the stewards ~~[or racing judges]~~ may require the person to take the written and/or practical examination. If such a person fails the examination, the stewards ~~[or racing judges]~~ shall suspend the person's license for 90 days with reinstatement contingent upon passing the written and/or practical examination.

(3) A trainer must use the trainer's legal name to be licensed as a trainer. A trainer who is also an owner may use a stable name ~~[or kennel name]~~ in the capacity of owner.

(4) To be licensed as an assistant trainer, a person must qualify in all respects for a trainer's license and be in the employ of a currently licensed trainer in good standing. An assistant trainer's license carries all the privileges and responsibilities of a trainer's license.

(b) Absolute Insurer.

(1) A trainer shall ensure the health and safety of each horse ~~[or greyhound]~~ that is in the care and custody of the trainer.

(2) A trainer shall ensure that a horse ~~[or greyhound]~~ that runs a race while in the care and custody of the trainer ~~[or kennel owner]~~ is free from all prohibited drugs, chemicals, or other substances.

(3) A trainer who allows a horse ~~[or greyhound]~~ to be brought to the paddock ~~[or lookout kennel]~~ warrants that the horse ~~[or greyhound]~~:

(A) is qualified for the race;

(B) is ready to run;

(C) is in a physical condition to exert its best efforts; and

(D) is entered with the intent to win.

(c) Health Reports.

(1) A trainer shall immediately notify the Commission veterinarian or designee of unusual symptoms in a horse ~~[or greyhound]~~ that is in the trainer's care and custody.

(2) Not later than one hour after finding a dead horse ~~[or greyhound]~~ on association grounds, a trainer shall notify the stewards ~~[or racing judges]~~ and the Commission veterinarian, or their designee, of the death. In the absence of regulatory personnel, the trainer shall notify security personnel on the association grounds. The horse may not be removed from the grounds until cleared by the Commission Veterinarian.

(d) Owner Suspended. A trainer may not retain a horse ~~[or greyhound]~~ in the trainer's care and custody if the Commission has suspended or revoked the license of the owner of the horse ~~[or greyhound]~~.

(e) An individual who is licensed to work for a trainer is not permitted in the stable ~~[or kennel]~~ area on association grounds unless the licensee is employed by and doing work for a trainer on the association grounds. An individual in the stable ~~[or kennel]~~ area on association grounds who is not in the employ of and doing work for a trainer may be ejected from the stable ~~[or kennel]~~ area on the association grounds.

(f) Restrictions on Racing. A trainer may not enter a horse ~~[race animal]~~ or cause a horse ~~[race animal]~~ to be entered in a race at a racetrack if:

~~{(1) the trainer knows or can reasonably be expected to know that the greyhound was trained using a live or dead animal or fowl as a lure in this state or out of this state. This paragraph does not apply to the use of a training lure that is made from cured animal hides or pelts and is commercially available to the public;}~~

(1) ~~[(2)]~~ the owner or trainer is employed by the racetrack association in a management or supervisory position that is capable of affecting the conduct of races or pari-mutuel wagering at the racetrack; or

(2) ~~[(3)]~~ the owner or trainer is involved in any way with the sale or publication of tip sheets on association grounds.

(g) Trainer Employees.

(1) A horse trainer shall provide a list to the Commission of all of the trainer's employees on association grounds during the period of continuous security service under §309.154(a)(1) ~~[(relating to Stable or Kennel Area)]~~. The list shall include each employee's name, occupation and occupational license number. The trainer shall notify the Commission in writing with 72 hours of initiating or learning of any change.

(2) A trainer may not sign an application as the employer of a licensee that the trainer does not actually employ.

(3) A trainer may not employ an individual who is less than 16 years of age to work for the trainer on an association's grounds.

(4) A trainer may not employ a jockey to prevent the jockey from riding in a race.

(h) **Trainer Absent.** If a trainer must be absent because of illness or any other cause, the trainer shall appoint another licensed trainer to fulfill his or her duties, and promptly report the appointment to the stewards [~~or racing judges~~] for approval. The absent trainer and substitute trainer have joint responsibility for the condition of the horses [~~race animals~~] normally trained by the absent trainer.

(i) **Suspended, Revoked or Ineligible Horse Trainers.**

(1) Upon the suspension, revocation or denial of a trainer's license, the trainer shall notify each owner for whom he or she trains horses of the suspension, revocation or denial.

(2) Except as specifically permitted by the executive director in writing, a person may not assume the responsibilities of a horse trainer who is ineligible to be issued a license or whose license is suspended or revoked if the person:

(A) is related to the trainer by consanguinity or affinity, as determined under Subchapter B, Chapter 573, Government Code.

(B) is related to the spouse of the trainer by blood or by marriage; or

(C) has been an employee of the trainer within the previous year.

(3) A person who assumes the care, custody, or control of the horses of a suspended, revoked or ineligible horse trainer may not:

(A) receive any compensation regarding those horses from the suspended, revoked or ineligible trainer;

(B) pay any compensation regarding those horses to the suspended, revoked or ineligible trainer;

(C) solicit or accept a loan of anything of value from the suspended, revoked or ineligible trainer; or

(D) use the farm or individual name of the suspended, revoked or ineligible trainer when billing customers.

(4) A person who assumes the care, custody, or control of the horses of a suspended, revoked or ineligible trainer is directly responsible for all financial matters relating to the care, custody, or control of the horses.

(5) On request by the Commission, a suspended, revoked or ineligible trainer or a person who assumes the care, custody, or control of the horses of a suspended, revoked or ineligible trainer shall permit the Commission to examine all financial or business records to ensure compliance with this section.

(j) **Reporting to Clocker.** When taking a horse onto a racetrack to work, a horse trainer or an assistant of the trainer shall report the horse's name and the distance to be worked to the morning clocker or an assistant clocker or shall instruct the jockey or exercise rider to transmit the information to the clocker or assistant clocker.

(k) **Other Responsibilities.** A trainer is responsible for:

(1) the condition and contents of stalls [~~kennels~~], tack rooms, feed rooms, and other areas which have been assigned by the association;

(2) maintaining the assigned stable [~~kennel~~] area in a safe, clean, neat and sanitary condition at all times;

(3) ensuring that fire prevention rules are strictly observed in the assigned stable [~~kennel~~] area;

(4) training all horses [~~animals~~] owned wholly or in part by the trainer that are participating at the race meeting;

(5) ensuring that, at the time of arrival at a licensed racetrack, each horse [~~animal~~] in the trainer's care is accompanied by a valid health certificate/certificate of veterinary inspection;

(6) using the services of those veterinarians licensed by the Commission to attend horses [~~animals~~] that are on association grounds;

(7) promptly notifying the official veterinarian of any reportable disease and any unusual incidence of a communicable illness in any horse [~~animal~~] in the trainer's charge;

(8) immediately reporting to the stewards [~~judges~~] and the official veterinarian if the trainer knows, or has cause to believe, that a horse [~~an animal~~] in the trainer's custody, care or control has received any prohibited drugs or medication;

(9) maintaining a knowledge of the medication record and status of all horses [~~animals~~] in the trainer's care;

(10) ensuring the fitness of a horse [~~an animal~~] to perform creditably at the distance entered;

(11) ensuring that the trainer's horse is properly shod, banded and equipped; and

(12) reporting the correct sex of the horses in his/her care to the Commission veterinarian and the horse identifier.

(l) No licensee shall act as a program trainer, nor shall any owner name a program trainer on the entry form. Any licensee found to be acting as a program trainer and any owner who listed a program trainer is responsible for all violations occurring from participation of any horse [~~or greyhound~~] entered or raced by the licensee. Further, the Commission recognizes that identification of the correct trainer in the program is an important handicapping tool used by the wagering public. Therefore, the Commission identifies the practices of utilizing a program trainer and of acting as a program trainer as being inconsistent with maintaining the honesty and integrity of racing under §307.7 (relating to Ejection and Exclusion) and as a detrimental practice under §311.6 (relating to Denial, Suspension and Revocation of Licenses.)

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 12, 2025.

TRD-202504140

Amy F. Cook

Executive Director

Texas Racing Commission

Earliest possible date of adoption: December 28, 2025

For further information, please call: (512) 833-6699



16 TAC §311.109

The Texas Racing Commission (commission) proposes an amendment to §311.109, concerning Mutuel Employees. The amendment would clarify the licensure requirements for mutuel

department personnel by adding a requirement that applicants complete a commission-approved Background Disclosure Form.

Purpose and Background: The amendment is intended to support the integrity of pari-mutuel operations by ensuring that applicants for a mutuel license provide standardized background information for review by the executive director or designee.

Comments on the proposal may be submitted to the Texas Racing Commission Executive Director, Amy F. Cook, via webpage comment form at <https://www.txrc.texas.gov/texas-rules-of-racing> or through the agency customer service desk at customer.service@txrc.texas.gov, or by calling the customer service phone number at (512) 833-6699. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

Fiscal Note

Amy Cook, Executive Director, has determined that for each of the first five years the amendment is in effect, there are no significant fiscal implications for state or local government as a result of enforcing or administering the amendment.

Public Benefit and Cost Note

Public Benefit: For each year of the first five years the amendment is in effect, the public benefit anticipated as a result of enforcing the amendment is enhanced regulatory oversight and consistency in licensing standards for mutuel employees.

Costs to Regulated Persons: The commission does not anticipate economic costs to persons who are required to comply with the amendment beyond the minimal time required to complete the Background Disclosure Form.

Local Employment Impact Statement

The commission has determined that the amendment will not have an adverse economic effect on local employment; therefore, no local employment impact statement is required.

Small and Micro-Business and Rural Communities Impact Analysis

The commission has determined that the amendment does not have an adverse economic effect on small businesses, micro-businesses, or rural communities because the rule applies to individual license applicants rather than to businesses or communities. Accordingly, preparation of an economic impact statement and a regulatory flexibility analysis is not required.

Government Growth Impact Statement

For the first five years the amendment would be in effect, the commission has determined that: (1) the rule does not create or eliminate a government program; (2) implementation of the rule does not require the creation of new employee positions or the elimination of existing positions; (3) implementation of the rule does not require an increase or decrease in future legislative appropriations to the agency; (4) the rule does not require an increase or decrease in fees paid to the agency; (5) the rule does not create a new regulation; (6) the rule expands an existing regulation only to the extent it clarifies and formalizes an application requirement; (7) the rule does not increase or decrease the number of individuals subject to the rule's applicability; and (8) the rule does not positively or adversely affect this state's economy.

Takings Impact Assessment

The commission has determined that this amendment does not affect private real property rights and does not impose a burden on private real property. Accordingly, a takings impact assessment is not required.

One-for-One Rule Analysis

The commission has determined that Texas Government Code §2001.0045 does not apply because the amendment does not impose a cost on regulated persons.

Statutory Authority

The amendment is proposed under the Texas Occupations Code, Title 13, Subtitle A-1 (Texas Racing Act), §§2023.004, 2025.001, and 2025.251. Section 2023.004 requires the commission to adopt rules for conducting racing and to administer the subtitle. Section 2025.001 directs the commission to adopt rules relating to license applications and the qualifications of applicants. Section 2025.251 requires an occupational license for a person working in an occupation for which commission rules require a license.

Cross-Reference to Statute: Texas Occupations Code §§2021.002, 2023.002, 2025.253- 2025.259 (related to purpose, general rulemaking and licensing procedures).

§311.109. *Mutuel Employees.*

(a) To be licensed as a mutuel clerk or other employee of the mutuel department of an association, an individual must be at least 16 years old.

(b) In addition to the requirements of §311.3 of this chapter (relating to Information for Background Investigation), applicants for a mutuel license must complete a Background Disclosure Form approved by the executive director.

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 12, 2025.

TRD-202504144

Amy Cook

Executive Director

Texas Racing Commission

Earliest possible date of adoption: December 28, 2025

For further information, please call: (512) 833-6699



CHAPTER 313. OFFICIALS AND RULES OF HORSE RACING

SUBCHAPTER B. ENTRIES, SCRATCHES, AND ALLOWANCES

DIVISION 1. ENTRIES

16 TAC §313.103

The Texas Racing Commission (Commission) proposes amendments to §313.103 (Eligibility Requirements) of the Texas Administrative Code. The amendments update entry eligibility requirements by shortening certain workout timeframes and clarifying where qualifying published works and schooling or training races must occur. The proposal is intended to improve equine

safety, ensure current fitness before entry, and promote the orderly conduct of horse racing in Texas.

Purpose and Background: For first-time starters, the proposal shortens the windows for required published workouts before entry from 90 and 60 days to 75 and 35 days and clarifies that published works must occur at a jurisdiction-licensed racetrack, and any schooling or training race used in lieu of published works must occur in Texas. For horses resuming racing, the proposal shortens the timeframe for a qualifying start or published workout before entry from 60 to 45 days, requires a veterinary examination for horses returning after more than 12 months, and requires Executive Director approval if a horse has not raced in 24 months.

Comments on the proposal may be submitted to the Texas Racing Commission Executive Director, Amy F. Cook, via webpage comment form at <https://www.txrc.texas.gov/texas-rules-of-racing> or through the agency customer service desk at customer.service@txrc.texas.gov, or by calling the customer service phone number at (512) 833-6699. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

Fiscal Note

Amy Cook, Executive Director, has determined that for each year of the first five years that the rules are in effect, there will be no additional estimated cost to the state or to local governments as a result of enforcing or administering the rules; no estimated reductions in costs to the state or to local governments; and no estimated loss or increase in revenue to the state or to local governments.

Public Benefit and Cost Note

Amy Cook has also determined that for each year of the first five years that the rules are in effect, the public benefits expected as a result of enforcing the rules include enhanced equine safety and racing integrity and improved verification of current fitness before entry. The Commission anticipates no probable significant economic cost to persons required to comply with the rules. Any minor scheduling or training costs associated with meeting shortened workout windows are expected to be de minimis.

Local Employment Impact Statement

The Commission has determined that the proposed rules will not affect a local economy and, therefore, a local employment impact statement under Government Code §2001.022 is not required.

Economic Impact on Small Businesses, Micro-Businesses, and Rural Communities; Regulatory Flexibility Analysis

The Commission has determined that the proposed rules will not have an adverse economic effect on small businesses, micro-businesses, or rural communities.

Accordingly, an Economic Impact Statement and a Regulatory Flexibility Analysis are not required under Government Code §2006.002.

Takings Impact Assessment

The Commission has determined that the proposed rules do not affect private real property and do not burden, restrict, or limit an owner's property rights. Therefore, a takings impact assessment is not required under Government Code §2007.043.

Government Growth Impact Statement

For the first five years the rules are in effect, the Commission has determined that: (1) the rules do not create or eliminate a government program; (2) implementation does not require the creation or elimination of positions; (3) implementation does not require an increase or decrease in future legislative appropriations; (4) the rules do not require an increase or decrease in fees; (5) the rules do not create a new regulation; (6) the rules amend and clarify existing regulations; (7) the rules do not change the number of individuals subject to the rules; and (8) the rules are not expected to positively or adversely affect this state's economy.

One-for-One Rule Analysis

Government Code §2001.0045 does not apply to this rulemaking. The Texas Racing Commission is among the agencies excepted by statute.

Statutory Authority

The amendments are proposed under Texas Occupations Code §§2023.001 and 2023.004, which authorize the Commission to license and regulate horse racing and to adopt rules for conducting racing and administering the Texas Racing Act.

Cross-Reference to Statute: Texas Occupations Code §§2023.001, 2023.003, and 2023.004. No other statutes, articles, or codes are affected by this proposal.

§313.103. Eligibility Requirements.

(a) To be entered in a race, a horse must:

(1) be properly registered with the appropriate national breed registry or be a qualified Texas Bred horse under Texas Racing Act Section 2030.001;

(2) be eligible to enter the race under the conditions of the race; and

(3) if the horse is to start for the first time:

(A) be approved by a licensed starter for proficiency in the starting gate within 90 days of the race entered; and

(B) have two published workouts, one within 75 [90] days and one within 35 [60] days before the race entry recorded at the appropriate racing secretary's office, or one training or schooling race within 60 days with the requirements set forth in §313.505(d) of this chapter (relating to Workout Requirements). The two published works and schooling or training races counting towards a first time starter must take place at a licensed racetrack in Texas. [of the race entered.]

(b) A horse that has been barred in any racing jurisdiction is ineligible to start or be entered in a race without the approval of the stewards.

(c) To be eligible to enter a Texas-Bred race, the horse must be an accredited Texas-bred horse and be registered with the appropriate breed registry.

(d) A horse may not be entered in more than one race scheduled for one race day, unless at least one of the races is a stakes race.

(e) A horse may not start in a stakes race unless:

(1) the nominating, sustaining, entry, and starting fees have been paid in full by cash, cashier's check, certified check, or money order on or before the time specified in the conditions of the race; or

(2) the amount of the applicable fees are on account with the horsemen's bookkeeper at the time the fees are due as specified by the conditions of the race.

(f) Except as otherwise provided by this section for first-time starters, to be eligible to start in a race, a horse resuming racing within a 12 month calendar period must have either started in a race or had a published workout in the 45[60]-day period preceding a race entry.

(1) Horses returning to racing after a 12 month period must have a veterinary examination accompanying the requisite workout requirements.

(2) Horses that have not raced in 24 months before entry require the approval of the Executive Director.

(g) To be entered in a race around a turn for the first time, a quarter horse, paint horse, or appaloosa must:

(1) have a published workout around a turn at a minimum distance of 660 yards in the 45[60]-day period preceding the race entry; and

(2) be approved by the clocker, the outrider and, if the horse is worked from the gate, the starter.

(h) To be eligible to start in a race, a horse must be properly tattooed and/or microchipped and the horse's registration certificate, or certificates if dually registered, showing the tattoo number and/or microchip number of the horse must be on file with the racing secretary before scratch time for the race, unless the stewards authorize the certificate or certificates to be filed at a later time.

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 12, 2025.

TRD-202504146

Amy Cook

Executive Director

Texas Racing Commission

Earliest possible date of adoption: December 28, 2025

For further information, please call: (512) 833-6699



16 TAC §313.113

The Texas Racing Commission (Commission) proposes new §313.113, relating to Pre-Race Stabling. The proposal would authorize the executive director to require an owner or trainer to stable all horses participating in a race meet on the grounds of the association and/or place all horses in a designated barn the day before and/or the day of the scheduled race, if any horses of the owner or trainer have tested positive for a prohibited substance in any jurisdiction more than once in the past five years.

Fiscal Note. Amy Cook, Executive Director, has determined that for the first five-year period the proposed new rule is in effect there will be no significant fiscal implications for state or local government as a result of enforcing or administering the rule. Any costs to racetrack associations to accommodate pre-race stabling in the limited circumstances described are expected to be minimal and absorbed within existing operations.

Public Benefit and Cost Note. For each of the first five years the rule is in effect, the public benefits expected include enhanced race integrity and equine welfare by reducing the risk of improper medication or other prohibited substances. The only anticipated

cost to persons required to comply with the stabling requirement is the fee associated with stabling a horse at a racetrack which they may incur independent of this rule.

Local Employment Impact Statement. The Commission has determined that the proposal will not affect the local economy; therefore, no local employment impact statement is required.

Small Business, Micro-business, and Rural Communities Impact; Regulatory Flexibility Analysis. The Commission has determined that the proposal will not have an adverse economic effect on small businesses, micro-businesses, or rural communities because compliance occurs only when directed by the executive director under specified, limited circumstances and involves customary racing operations. Accordingly, preparation of an economic impact statement and regulatory flexibility analysis is not required.

Government Growth Impact Statement. For each year of the first five years the rule is in effect, the proposal does not create or eliminate a government program; require the creation of new positions or elimination of existing positions; require an increase or decrease in future legislative appropriations; require an increase or decrease in fees; or increase or decrease the number of individuals subject to the rule. The proposal creates a new rule but does not expand, limit, or repeal existing regulations beyond clarifying discretionary authority in specific circumstances.

Takings Impact Assessment. The Commission has determined that the proposal does not affect private real property in a manner that would constitute a taking under Government Code, Chapter 2007.

Regulatory Analysis. The proposed rule is not a major environmental rule and is not subject to Government Code, §2001.0225.

Comments on the proposal may be submitted to the Texas Racing Commission Executive Director, Amy F. Cook, via webpage comment form at <https://www.txrc.texas.gov/texas-rules-of-racing> or through the agency customer service desk at customer.service@txrc.texas.gov, or by calling the customer service phone number at (512) 833-6699. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

Statutory Authority. This proposal is made under Texas Occupations Code, §2023.004, which requires the Commission to adopt rules for conducting racing and administering the Texas Racing Act; §2026.001, which requires the Commission to adopt rules relating to the operation of racetracks to preserve and protect public health, welfare, and safety; and §2034.001, which requires the Commission to adopt rules relating to unlawful influences on racing, including the use of prohibited substances, and to require testing.

The proposal implements Texas Occupations Code, Subtitle A-1 (Texas Racing Act).

Cross-Reference to Statute. Texas Occupations Code §§2023.004, 2026.001, and 2034.001.

§313.113. Pre-Race Stabling.

The executive director may require an owner or trainer to stable all horses participating in a race meet on the grounds of the association and/or place all horses in a designated barn, the day before and/or the day of the scheduled race, if any horses of the owner or trainer have tested positive for a prohibited substance, in any jurisdiction, more than once in the past five years.

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 12, 2025.

TRD-202504150

Amy F. Cook

Executive Director

Texas Racing Commission

Earliest possible date of adoption: December 28, 2025

For further information, please call: (512) 833-6699



TITLE 25. HEALTH SERVICES

PART 1. DEPARTMENT OF STATE HEALTH SERVICES

CHAPTER 3. ADVISORY COMMITTEES, COUNCILS, AND BOARDS

25 TAC §3.8

The executive commissioner of the Texas Health and Human Services Commission (agency), on behalf of the Department of State Health Services (DSHS), proposes new §3.8, concerning Youth Camp Advisory Committee.

BACKGROUND AND PURPOSE

The purpose of the proposal is to improve public access to DSHS advisory committee, council, and board rules by moving all advisory committee, council, and board rules into a single chapter. Section 265.29, concerning Youth Camp Committee, is repealed from 25 TAC Chapter 265, concerning General Sanitation, and proposed as new in 25 TAC Chapter 3, concerning Advisory Committees, Councils, and Boards. The repeal is proposed elsewhere in this issue of the *Texas Register*.

The Youth Camp Advisory Committee provides an important function advising DSHS and the executive commissioner regarding youth camp standards and rules. In DSHS's reports dated June 2023, May 2024, and June 2025, DSHS recommended the Youth Camp Committee continue. The agency agreed with DSHS's recommendation and continued to appoint Youth Camp Committee members, and the Youth Camp Advisory Committee continued meeting. However, in light of the catastrophic events on July 4, 2025, and the focus on emergency plans required by Senate Bill 1 and House Bill 1, 89th Legislature, Second Special Session, 2025, the agency recognizes the importance of establishing the Youth Camp Advisory Committee with an amended composition. The agency believes the amended membership will provide the agency with valuable insights to improve health and safety standards for campers.

SECTION-BY-SECTION SUMMARY

Proposed new §3.8(a) provides the statutory authority for the Youth Camp Advisory Committee (YCAC).

Proposed new §3.8(b) provides the purpose of the YCAC.

Proposed new §3.8(c) lists the tasks performed by YCAC.

Proposed new §3.8(d) explains the reporting requirements.

Proposed new §3.8(e) describes the meeting requirements.

Proposed new §3.8(f) lists the membership composition and appointment terms.

Proposed new §3.8(g) describes how the chairperson, vice-chairperson, and secretary are selected.

Proposed new §3.8(h) explains the required training.

Proposed new §3.8(i) provides the travel reimbursement policy.

Proposed new §3.8(j) provides the abolishment date and formally establishes the YCAC with new membership.

FISCAL NOTE

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

GOVERNMENT GROWTH IMPACT STATEMENT

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

- (1) the proposed rule will not create or eliminate a government program;
- (2) implementation of the proposed rule will not affect the number of DSHS employee positions;
- (3) implementation of the proposed rule will result in no assumed change in future legislative appropriations;
- (4) the proposed rule will not affect fees paid to DSHS;
- (5) the proposed rule will not create a new regulation;
- (6) the proposed rule will not expand, limit, or repeal existing regulations;
- (7) the proposed rule will not change the number of individuals subject to the rule; and
- (8) the proposed rule will not affect the state's economy.

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

Christy Havel Burton has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities. The rule does not apply to small or micro-businesses, or rural communities.

LOCAL EMPLOYMENT IMPACT

The proposed rule will not affect a local economy.

COSTS TO REGULATED PERSONS

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

PUBLIC BENEFIT AND COSTS

Dr. Timothy Stevenson, Deputy Commissioner, has determined that for each year of the first five years the rules are in effect, the public benefit will be improved access to DSHS advisory committee, council, and board rules located in a single chapter.

Christy Havel Burton has also determined that for the first five years the rule is in effect, there is no anticipated economic costs to persons who are required to comply with the proposed rule

because there are no fees or associated costs in moving the Youth Camp Advisory Committee rule to a new chapter.

TAKINGS IMPACT ASSESSMENT

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

PUBLIC COMMENT

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

To be considered, comments must be submitted no later than 21 days after the date of this issue of the *Texas Register*. Comments must be (1) postmarked or shipped before the last day of the comment period; (2) hand-delivered before 5:00 p.m. on the last working day of the comment period; or (3) emailed before midnight on the last day of the comment period. If the last day to submit comments falls on a holiday, comments must be postmarked, shipped, or emailed before midnight on the following business day to be accepted. When emailing comments, please indicate "Comments on Proposed Rule 25R033" in the subject line.

STATUTORY AUTHORITY

The new rule is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, Texas Health and Safety Code §1001.035 and §141.010, which authorize the Executive Commissioner to establish an advisory committee and appoint committee members necessary to assist and advise DSHS and the Executive Commissioner in performing duties related to youth camps, and Texas Health and Safety Code §1001.075, which authorizes the executive commissioner of HHSC to adopt rules and policies for the operation and provision of health and human services by DSHS and for the administration of Texas Health and Safety Code Chapters 1001 and 141.

The rule affects Texas Government Code §524.0151 and Texas Health and Safety Code Chapter 1001 and §141.010.

§3.8. Youth Camp Advisory Committee.

(a) Statutory authority. The Youth Camp Advisory Committee (YCAC) is established under Texas Health and Safety Code §141.010.

(b) Purpose. The YCAC advises the executive commissioner and Department of State Health Services (DSHS) on the development of youth camp standards and procedures.

(c) Tasks. The YCAC performs the following tasks:

(1) makes recommendations to the executive commissioner regarding the content of the rules adopted to implement Texas Health and Safety Code Chapter 141;

(2) performs any other functions requested by the executive commissioner in the implementation and administration of Texas Health and Safety Code Chapter 141; and

(3) may adopt rules for the conduct of its own activities.

(d) Reporting requirements. The presiding officer must sign and file an annual written report with DSHS and the executive commissioner by January 15, covering the meetings and activities in the previous fiscal year. The report includes:

(1) a list of the meeting dates of the YCAC and any subcommittees;

(2) the members' attendance records;

(3) a brief description of actions taken by the YCAC;

(4) a description of how the YCAC accomplished its tasks;

(5) a description of activities the YCAC anticipates undertaking in the next fiscal year; and

(6) recommended amendments to this section.

(e) Meetings.

(1) Open meetings. The YCAC complies with the requirements for open meetings under Texas Government Code Chapter 551, as if it were a governmental body.

(2) Frequency. The YCAC will meet at least annually and at the call of the DSHS commissioner or the DSHS commissioner's designee.

(3) Quorum. A simple majority of the members of the YCAC who are appointed constitutes a quorum for the purpose of transacting official business.

(f) Membership.

(1) The YCAC is composed of nine voting members appointed by the executive commissioner or the executive commissioner's designee. In selecting voting members to serve on the YCAC, the executive commissioner considers the applicants' qualifications, background, interest in serving, and geographic location. The YCAC consists of:

(A) one member from the general public;

(B) one member from the general public with expertise in specialized program safety, such as archery, firearms, or challenge courses;

(C) one parent of a child who was a camper in the past two years;

(D) one day camp operator;

(E) one camp operator with experience in wilderness or primitive activities;

(F) one residential camp operator operating a youth camp that provides overnight accommodations for 500 or more campers per year;

(G) one residential camp operator operating a youth camp that provides overnight accommodations for 499 or fewer campers per year;

(H) one waterfront safety expert; and

(I) one pediatric psychologist, psychiatrist, or child abuse expert.

(2) Members are appointed for staggered six-year terms, with the terms of three members expiring on August 31 of each odd-numbered year. Regardless of the term limit, a member serves until his or her replacement is appointed. This ensures sufficient, appropriate representation.

(A) If a vacancy occurs, the executive commissioner or the executive commissioner's designee will appoint a person to serve the unexpired portion of that term.

(B) Except as may be necessary to stagger terms, the term of each member is six years.

(g) Officers. The YCAC:

(1) must annually elect a chairperson from among its members who will serve as the presiding officer and preside over the YCAC; and

(2) may elect a vice-chairperson and a secretary from among its members.

(h) Required training. Each member must complete training on relevant statutes and rules, including this section; Texas Government Code Chapters 551, 552, and 2110; the Health and Human Services (HHS) Ethics Policy; the Advisory Committee Member Code of Conduct; and other relevant HHS policies. Training will be provided by DSHS.

(i) Travel reimbursement. To the extent permitted by the current General Appropriations Act, a member of the YCAC may be reimbursed for the member's travel to and from meetings if funds are appropriated and available and in accordance with the DSHS Travel Policy.

(j) Abolishment date. The YCAC is abolished and this section expires December 31, 2030.

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 17, 2025.

TRD-202504173

Cynthia Hernandez

General Counsel

Department of State Health Services

Earliest possible date of adoption: December 28, 2025

For further information, please call: (512) 231-5727



CHAPTER 265. GENERAL SANITATION

The executive commissioner of the Texas Health and Human Services Commission (HHSC), on behalf of the Department of State Health Services (DSHS), proposes amendments to §§265.11, 265.18, 265.23, 265.24, 265.28, and 265.30; the repeal of §265.29, and Subchapter C, consisting of §§265.31 - 265.35; and new §§265.29 and 265.31 - 265.34, concerning Texas Youth Camps Safety and Health.

BACKGROUND AND PURPOSE

The proposal is necessary to implement Senate Bill (SB) 1 and House Bill (HB) 1, 89th Legislature, Second Special Session that amends Health and Safety Code Chapter 141. SB 1 and HB 1 require DSHS to update definitions, add requirements for implementation and submission of emergency plans for emergency preparedness and response, and establish minimum camper and counselor overnight ratios. The bills also add a requirement for youth camps to notify DSHS of structure modifications, submit renewal applications for certain camp

updates, implement DSHS and youth camp operator website information requirements, and create a new youth camp safety multidisciplinary team. The proposal also implements SB 5, 89th Legislature, Second Special Session, which requires DSHS to increase license fees for day and residential youth camps to meet the cost of administering the program.

There will be other rules proposed in future issues of the *Texas Register* associated with the implementation of HB 1 and SB 1.

The proposed repeal of §265.29 is necessary as all DSHS advisory committee, council, and board rules are moving into a single chapter. The proposed new Youth Camp Advisory Committee section is published elsewhere in this issue of the *Texas Register*.

The proposed repeal of §§265.31 - 265.35 are necessary because responsibility for Migrant Labor Housing Facilities was transferred to Texas Department of Housing and Community Affairs (TDHCA) in 2005 in accordance with House Bill 1099, 79th Legislature, Regular Session, 2005. The TDHCA rules are located in Title 10 Texas Administrative Code, Chapter 90.

SECTION-BY-SECTION SUMMARY

The proposed amendment to §265.11, Definitions, adds definitions for broadband service, cabin, floodplain, floodway, and governmental entity.

The proposed amendment to §265.18, Fire Prevention, adds the National Fire Protection Association standard.

The proposed amendment to §265.23, Application and Denial of a New License; Non-transferable, specifies that the emergency plan and the number of campers are required with the application and provides a timeline for deficiency corrections of the emergency plan.

The proposed amendment to §265.24, Application and Denial of a Renewal License, adds requirements for a camp to submit a renewal application for changes to the boundaries or cabins in a youth camp, specifies that the emergency plan and the number of campers are required with the application, and provides a timeline for deficiency corrections of the emergency plan.

The proposed amendment to §265.28, Fees, increases fees to meet the cost of administering the program.

Proposed new §265.29, Youth Camp Safety Multidisciplinary Team, creates a team to propose minimum youth camp standards.

The proposed amendment to §265.30, Waiver; Appeal, adds restrictions from waivers.

The proposed repeal of Subchapter C, §§265.31, 265.32, 265.33, 265.34, and 265.35 remove obsolete rules that no longer apply to DSHS.

Proposed new §265.31, Emergency Preparedness and Response, adds additional information required in camp emergency plans and camper safety training; new requirements for evacuation plans and severe weather; and new requirements for emergency plan confidentiality, parent or guardian notification, emergency communication, and lighting of evacuation routes.

Proposed new §265.32, Minimum Overnight Camper to Counselor Ratios, adds minimum requirements for the ratio of campers to counselors for overnight stays based on the camper's age.

Proposed new §265.33, Online Youth Camp Registry, adds requirements for DSHS to post a list of licensed youth camps on the DSHS website.

Proposed new §265.34, Additional Inspection Required; Parental Complaints, adds requirements for youth camps to provide a link to the DSHS website to more easily report a noncompliant youth camp.

FISCAL NOTE

Christy Havel Burton, Chief Financial Officer, has determined that for each year of the first five years that the rules will be in effect, there will be an estimated increase in revenue to the state as a result of enforcing and administering the rules as proposed. Enforcing or administering the rules does not have foreseeable implications relating to costs or revenues of local government.

The effect on state government for each year of the first five years the proposed rules are in effect is an estimated increase in costs of \$2,594,265 in fiscal year (FY) 2026, \$2,484,726 in FY 2027, \$2,484,726 in FY 2028, \$2,484,726 in FY 2029, and \$2,484,726 in FY 2030; and an estimated increase in revenue of \$2,692,669 in FY 2026, \$2,692,669 in FY 2027, \$2,692,669 in FY 2028, \$2,692,669 in FY 2029, and \$2,692,669 in FY 2030.

GOVERNMENT GROWTH IMPACT STATEMENT

DSHS has determined that during the first five years that the rules will be in effect:

- (1) the proposed rules will not create or eliminate a government program;
- (2) implementation of the proposed rules will create new DSHS employee positions;
- (3) implementation of the proposed rules will require an increase in future legislative appropriations;
- (4) the proposed rules will require an increase in fees paid to DSHS;
- (5) the proposed rules will create a new regulation;
- (6) the proposed rules will expand existing regulations; and
- (7) the proposed rules will not change the number of individuals subject to the rules; and

DSHS has insufficient information to determine the proposed rules' effect on the state's economy.

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

Christy Havel Burton has also determined that there will be an adverse economic effect on small businesses or micro-businesses, or rural communities.

DSHS estimates that the number of small businesses, micro-businesses, and rural communities subject to the proposed rules is 380. The projected economic impact for a small business, micro-business, and rural community includes the cost to comply with the new emergency preparedness and response requirements of SB 1, SB 5, and HB 1.

DSHS determined that alternative methods to achieve the purpose of the proposed rules for small businesses, micro-businesses, or rural communities would not be consistent with ensuring the health and safety of children attending day and residential youth camps.

LOCAL EMPLOYMENT IMPACT

The proposed rules will not affect a local economy.

COSTS TO REGULATED PERSONS

Texas Government Code §2001.0045 does not apply to these rules because the rules are necessary to protect the health, safety, and welfare of the residents of Texas, are adopted in response to a natural disaster, and are necessary to implement legislation that does not specifically state that §2001.0045 applies to the rules.

PUBLIC BENEFIT AND COSTS

Dr. Timothy Stevenson, Deputy Commissioner, has determined that for each year of the first five years the rules are in effect, the public benefit will be the safety of children attending a DSHS-licensed youth camp.

Christy Havel Burton has also determined that for the first five years the rules are in effect, persons who are required to comply with the proposed rules may incur economic costs because youth camp licensing fees will increase to meet the cost of administering the program.

The cost to people required to comply with the rules cannot be estimated due to the diversity in the size and type of youth camps regulated. The annual cost of the license can vary from \$750 to \$21,000 depending on the size as reflected by the number of campers enrolled per year, and the cost to comply with the emergency preparedness and response requirements will vary based on whether the camp is a day camp or a residential camp.

TAKINGS IMPACT ASSESSMENT

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

PUBLIC COMMENT

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

To be considered, comments must be submitted no later than 21 days after the date of this issue of the *Texas Register*. Comments must be (1) postmarked or shipped before the last day of the comment period; (2) hand-delivered before 5:00 p.m. on the last working day of the comment period; or (3) emailed before midnight on the last day of the comment period. If the last day to submit comments falls on a holiday, comments must be postmarked, shipped, or emailed before midnight on the following business day to be accepted. When emailing comments, please indicate "Comments on Proposed Rule 25R033" in the subject line.

SUBCHAPTER B. TEXAS YOUTH CAMPS SAFETY AND HEALTH

25 TAC §§265.11, 265.18, 265.23, 265.24, 265.28 - 265.34

STATUTORY AUTHORITY

The amendments and new sections are authorized by Texas Health and Safety Code §141.008, which authorizes the executive commissioner of HHSC to adopt rules to implement the

Youth Camp Safety and Health Act; and by Texas Government Code §524.0151 and Texas Health and Safety Code §1001.075, which authorize the executive commissioner of HHSC to adopt rules necessary for the operation and provision of health and human services by DSHS and for the administration of Texas Health and Safety Code Chapter 1001.

The amendments and new sections affect Texas Government Code §524.0151, and Texas Health and Safety Code §141.008 and Chapter 1001.

§265.11. *Definitions.*

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

(1) Act--Texas Youth Camp Safety and Health Act, Texas Health and Safety Code[,], Chapter 141.

(2) Adult--A person at least 18 years of age or older.

(3) Broadband service--Internet service with the capability of providing a:

(A) speed of not less than 100 megabits per second for a download;

(B) speed of not less than 20 megabits per second for an upload; and

(C) network round-trip latency of less than or equal to 100 milliseconds based on the 95th percentile of speed measurements.

(4) Cabin--A structure used to provide temporary sleeping quarters for campers.

(5) [(3)] Camper--A minor child, younger than [under] 18 years of age, who is attending a youth camp on either a day or boarding basis.

(6) [(4)] Challenge course--Activity designed for educational purposes or team building, which may offer a variety of challenges, including zip lines, high and low rope courses, rappelling, and climbing walls.

(7) [(5)] Commissioner--The commissioner [Commissioner] of the Texas Department of State Health Services.

(8) [(6)] Day camp--A camp that operates during the day or any portion of the day between 7:00 a.m. and 10:00 p.m. for four or more consecutive days and that offers no more than two overnight stays during each camp session. To be eligible to be licensed as a youth camp, the camp's schedule must [shall] be structured so that each camper attends for four hours or more per day for four consecutive days. The term does not include a facility that is required to be licensed with the Health and Human Services Commission.

(9) [(7)] Department--Texas Department of State Health Services.

(10) [(8)] Executive commissioner [Commissioner]--Executive commissioner [Commissioner] of the Health and Human Services Commission.

(11) [(9)] Firearm--Any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or a burning substance, or any device readily convertible to that use.

(12) Floodplain--Any area within a 100-year floodplain identified by the Federal Emergency Management Agency (FEMA) under the National Flood Insurance Act of 1968 (42 United States Code (U.S.C.) Section 4001 et seq.). This term includes any area

removed from the 100-year floodplain by a letter of map amendment, a letter of map revision based on fill, or a substantially similar administrative process conducted by FEMA.

(13) Floodway--An area identified on the most recent flood hazard map published by FEMA under the National Flood Insurance Act of 1968 (42 U.S.C. Section 4001 et seq.) as a regulatory floodway.

(14) Governmental entity--This state or a state agency or political subdivision of this state.

(15) [(10)] Municipal water supply--A public water supply owned or operated by or for a city or a corporation having the right of administering local government.

(16) [(11)] Pellet gun--Any device designed, made, or adapted to expel a projectile through a barrel by using compressed air or carbon dioxide. This definition includes air guns, air rifles, BB guns, and paintball guns.

(17) [(12)] Permanent structure--Man-made buildings such as dining halls, dormitories, cabins, or other buildings that are constructed to remain stationary.

(18) [(13)] Person--An individual, partnership, corporation, association, or organization. In rules for this subchapter, a person does not include a government or governmental subdivision.

(19) [(14)] Playground--A designated area designed for campers to play freely on equipment as defined in the U.S. Consumer Product Safety Commission Publication Number 325, "Public Playground Safety Handbook," July 2025 ["Handbook for Public Playground Safety," December 2015] as amended.

(20) [(15)] Primitive camp--A youth camp that does not provide either permanent structures or utilities for camper use.

(21) [(16)] Public water system--A public water system, as defined in 30 Texas Administrative Code (TAC) §290.38 (relating to Definitions) [§290.38(74)] is a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, which includes all uses described under the definition for drinking water in 30 TAC §290.38 [(30 TAC §290.38(23))]. Such a system must [shall] have at least 15 service connections or serve at least 25 individuals at least 60 days out of the year. This term includes any collection, treatment, storage, and distribution facilities under the control of the operator of such system and used primarily in connection with such system, and any collection or pretreatment storage facilities not under such control that [which] are used primarily in connection with such system. Two or more systems with each having a potential to serve less than 15 connections or less than 25 individuals but owned by the same person, firm, or corporation and located on adjacent land will be considered a public water system when the total potential service connections in the combined systems are 15 or greater or if the total number of individuals served by the combined systems total 25 or greater at least 60 days out of the year. Without excluding other meanings of the terms "individual" or "served," an individual must [shall] be deemed to be served by a water system if he lives in, uses as his place of employment, or works in a place to which drinking water is supplied from the system.

(22) [(17)] Resident camp--A camp that for a period of four or more consecutive days continuously provides residential services to each camper, including overnight accommodations for at least three consecutive nights.

(23) [(18)] Supervised--A person is supervised if the person is within sight, except for infrequent momentary periods such as restroom breaks, and within reasonable hearing distance of a camper's outcry, of an adult with an obligation to report inappropriate or danger-

ous activities or behavior who has been made aware that the obligation is in effect at that time and who has willingly accepted the obligation. This definition is applicable only to rules relating to unsupervised contact with campers.

(24) [(49)] Supervisor/counselor--A person, at least 18 years of age or older, who is responsible for the immediate supervision of campers.

(25) [(20)] Swim test--A formalized test, specific to the body of water utilized, to determine each child's swimming ability. A swim test includes a skill evaluation, or some equivalent method of determining swimming ability, such as the following.[:]

(A) A non-swimmer gets [~~Non-swimmer: Get~~] into the shallow water, sits [~~sit~~] down, stands [~~stand~~] up, and exits [~~exit~~] the water.

(B) An intermediate swimmer jumps [~~Intermediate swimmer: Jump~~] feet first into water at least twelve inches deeper than the height of the child, levels [: ~~Level~~] off, swims [~~swim~~] 25 feet, turns [~~turn~~] around and swims [~~swim~~] back, then exits [: ~~Exit~~] the water.

(C) A swimmer jumps [~~Swimmer: Jump~~] feet-first into water at least twelve inches deeper than the height of the child and swims [~~swim~~] 75 yards in a strong stroke on the [~~your~~] stomach or side (breaststroke, sidestroke, crawl, trudgen, or any combination); then swims [: ~~Then swim~~] 25 yards on the [~~your~~] back (elementary back stroke), floats and rests on the [~~then float and rest on your~~] back for one minute, then exits [: ~~Exit~~] the water.

(26) [(24)] TCEQ--Texas Commission on Environmental Quality.

(27) [(22)] Travel camp--A day or resident camp, lasting for four or more consecutive days, that begins and ends at a fixed location, but may move from location to location on a daily basis.

(28) [(23)] Waterfront--A natural or artificial body of water that includes a lake, ocean, bay, pond, river, swimming pool, or spa, which is the site of any water activity.

(29) [(24)] Waterfront activity--A recreational or instructional activity, occurring in, on, or near a waterfront. Waterfront activity includes swimming, boating, water skiing, scuba diving, rafting, tubing, synchronized swimming, or sailing.

(30) [(25)] Youth camp--A facility or property, other than a facility required to be licensed by the Health and Human Services Commission, that:

(A) has the general characteristics of a day camp, resident camp, or travel camp;

(B) provides supervision and instruction in recreational, athletic, religious, or educational activities;

(C) during a camp session, offers at least two youth camp specialized activities in an outdoor setting;

(D) accommodates at least five minors during each camp session who attend or temporarily reside at the camp, apart from parents or guardians, for all or part of at least four consecutive days;

(E) operates as a youth camp for four consecutive hours or more per day;

(F) operates as a youth camp only during school vacation periods;

(G) operates as a youth camp for no more than 120 days each calendar year; and

(H) is not a facility or program operated by or on the campus of an institution of higher education or a private or independent institution of higher education as those terms are defined by the Texas Education Code[:] §61.003, that is regularly inspected by one or more local governmental entities for compliance with health and safety standards.

(31) [(26)] Youth camp specialized activity--A camp activity such as waterfront activities, archery, horseback riding, challenge courses, or riflery that requires special technical skills, equipment, or safety regulations, and a high level of adult supervision at all times.

(32) [(27)] Youth camp operator--Any person who owns, operates, controls, or supervises a youth camp, whether or not for profit.

§265.18. Fire Prevention.

(a) Fire and safety codes. Facilities at all youth camps, except those described in subsection (d) of this section, must comply with the National Fire Protection Association 1194, Standard for Recreational Vehicle Parks and Campgrounds, 2021 Edition, other than Sections 1.1.1 and 5.1.1.1. and must [~~shall~~] meet local fire and safety codes.

(b) Fire exits in buildings. All buildings where [~~in which~~] groups of people live, eat, sleep, or assemble must have [~~shall be provided with~~] ready exits for use in case of fire and these exits must [~~shall~~] be conspicuously marked.

(c) Storage of flammable or explosive materials. Containers of gasoline, flammables, or explosives must [~~shall~~] be plainly marked and stored in a locked area separate and apart from any [~~and all~~] permanent and semi-permanent structures used by campers. The presence of flammable or explosive [~~such~~] materials must [~~shall~~] be kept to a minimum.

(d) Subsection (a) of this section does not apply to a youth camp owned or controlled by a governmental entity. A governmental entity may adopt a policy, rule, ordinance, or order to regulate environmental health and sanitation, electrical distribution system safety, liquefied petroleum gas storage and dispensing safety, or fire protection only if the policy, rule, ordinance, or order does not impose standards more stringent than the standards described under subsection (a) of this section.

§265.23. Application and Denial of a New License; Non-transferable.

(a) License required. A person must [~~shall~~] possess a valid youth camp license prior to operating a youth camp.

(1) Submitting an application. A complete [~~An~~] application to operate a youth camp must be submitted to and received by the department's Environmental and Sanitation Licensing Branch between January 1 and March 31 of each calendar year, and include [~~is made by submitting~~]:

[(A) a completed youth camp application;]

(A) [(B)] an activity schedule showing dates and detailed information about the activities that are conducted both at the camp and at other locations;

(B) an emergency plan, as described in §265.31 of this subchapter (related to Emergency Preparedness and Response);

(C) the estimated number of campers attending the camp during the upcoming calendar year;

(D) [(C)] any other requested documents and information; and

(E) [(D)] [~~paying~~] the license fee, as described in §265.28 of this subchapter [~~title~~] (relating to Fees).

(2) Applications and fees. Applications and fees may be submitted online to <https://vo.ras.dshs.state.tx.us>. ~~[Obtaining an application. A blank application may be obtained by calling the Environmental and Sanitation Licensing Group at (512) 834-6600 or may be downloaded from the website at www.dshs.state.tx.us/youthcamp/default.shtm. Applications may be submitted to the Environmental and Sanitation Licensing Group, Department of State Health Services, Mail Code 2003, P.O. Box 149347, Austin, Texas 78714-9347.]~~

(3) Qualifying for a youth camp license. Subject to subsection (j) of this section, ~~[the department shall issue]~~ a facility qualifies for a youth camp license if the facility:

(A) meets the definition of a "youth camp," ["Youth camp"] as described in §265.11 ~~[[§265.11(25)]~~ of this subchapter ~~[title]~~ (relating to Definitions); and

(B) is in compliance, or has demonstrated a plan for compliance, with all provisions of the Act and the rules ~~before~~ ~~[prior to]~~ operation as determined by:

(i) submitting a complete application as described in paragraph (1) of this subsection; and

(ii) passing a pre-licensing inspection conducted by the department, using the standard youth camp inspection form that may be found at <https://www.dshs.texas.gov/youthcamp-program/applications-forms-youth-camp-program> ~~[http://www.dshs.state.tx.us/youthcamp/forms.shtm]~~.

(b) Processing applications.

(1) A complete application must ~~[Applications for a new license issued under this chapter shall]~~ be submitted to the Environmental and Sanitation Licensing Branch ~~[Group]~~ at least 90 calendar days ~~before~~ ~~[prior to]~~ camp operations begin. An application is considered incomplete until all required documentation, information, and fees are received. If the application is incomplete, the department issues a deficiency notice, including identification of deficiencies, a deadline for deficiency corrections, and the need for a pre-licensing inspection. ~~[operation.]~~

(2) Upon receipt of an application, the department issues the following documents in accordance with policy, as applicable: ~~[The department shall issue the new license or a written notice that the application is complete or that the application is deficient within the following periods of time. The department shall identify deficiencies in the notice, provide a deadline by which the deficiencies shall be corrected, and inform the applicant of the need for a pre-licensing inspection. Deficiencies may include the failure to provide required information, documents, or fees. An application is not considered complete until all required documentation, information, and fees have been received.]~~

(A) a ~~[Letter of acceptance of application for licensure approving the]~~ license ~~[and authorizing operation]~~ after successfully passing the pre-licensing inspection; ~~[- within 30 days after the date of passing the pre-licensing inspection. The original license may serve as the letter of acceptance.]~~

(B) a letter ~~[Letter]~~ of application deficiency; or ~~[- within 30 days after receipt of a deficient application.]~~

(C) a letter ~~[Letter]~~ of pre-licensing inspection deficiency ~~[- a notice of deficiency will be issued to the camp representative on site]~~ at the conclusion of the pre-licensing inspection ~~[if any deficiencies were noted during the inspection].~~

(i) The camp must ~~[shall]~~ provide proof of all deficiency corrections, except for corrections to the emergency plan, ~~[documentation that all deficiencies have been corrected]~~ within

10 days after the inspection or ~~before~~ ~~[prior to]~~ camp operation, whichever comes first.

(ii) The camp must provide proof of all deficiency corrections for the emergency plan. The proof must be provided within 45 days after the camp received the department letter of pre-licensing inspection deficiency.

(3) In the event that an application for a new license is not processed within 120 days ~~[the timeframe established in paragraph (2)(A) of this subsection]~~, and no good cause exists for the delay, the applicant may ~~[has the right to]~~ request reimbursement of all fees paid in that particular application process so long as a complete application was submitted at least 120 ~~[90]~~ calendar days prior to camp operation. Requests for reimbursement must ~~[shall]~~ be made in writing to the Environmental and Sanitation Licensing Branch ~~[Group]~~. Good cause for exceeding the time period is considered to exist if the number of applications for licensure exceeds by 15% or more the number of applications processed the same calendar quarter of the preceding year or any other condition exists giving the department good cause for exceeding the time period.

(4) If the request for reimbursement as authorized by paragraph (3) of this subsection is denied, the applicant may then appeal to the commissioner for a resolution of the dispute. The applicant must ~~[shall]~~ give written notice to the commissioner requesting reimbursement of the fee paid because the application was not processed within the established time period. The department submits ~~[shall submit]~~ a written report of the facts related to the processing of the application and good cause for exceeding the established time periods. The commissioner makes ~~[shall make]~~ the final decision and provides ~~[provide]~~ written notification of the decision to the applicant and to the department.

(c) Record availability. All records, except criminal background and sex offender registration database checks (including any written evaluation for any staff member or volunteer with a criminal conviction or deferred adjudication), required by this subchapter must ~~[shall]~~ be made available to the department immediately upon request. Criminal background and sex offender registration database checks (including any written evaluation for any staff member or volunteer with a criminal conviction or deferred adjudication) must ~~[shall]~~ be made available to the department within two business days upon request.

(d) Term of license. The term of a youth camp license is ~~[shall be]~~ one year, beginning on the date of issuance.

(e) License non-transferable. A youth camp license is not transferable and may not be sold, assigned, or otherwise transferred. Any new business entity that acquires the operation of a youth camp through sale, assignment, or other transfer must ~~[shall]~~ obtain a new license.

(f) Ownership change. A new application, fee, pre-licensing inspection, and license is required if there is a change in ownership.

(g) Name change. If a camp changes its name during operation, but does not change location or ownership, then a new license certificate may be issued if requested by email to youthcamps.reg@dshs.texas.gov. A ~~[using the form designated by the department, available at <http://www.dshs.state.tx.us/youthcamp/forms.shtm>, accompanied by a]~~ nonrefundable fee of \$20 will be assessed.

(h) Location change. A new application, fee, pre-licensing inspection, and license is required if there is a change in physical camp location.

(i) Duplicate license. A duplicate license may be issued if requested by email to youthcamps.reg@dshs.texas.gov. A [using the form designated by the department; available at <http://www.dshs.state.tx.us/youthcamp/forms.shtm>, accompanied by a] nonrefundable fee of \$20 will be assessed.

(j) Denials.

(1) The department may deny an application for licensing to applicants [these] who fail to meet the standards established by the Act and this subchapter. In making this determination, the department considers [shall consider] any violation by the applicant of the Act or this subchapter, including employment of [whether the youth camp employs] an individual who was convicted of an act of sexual abuse, as defined by Texas Penal Code §21.02 [of the Texas Penal Code], that occurred at the camp. When the department proposes to deny an application, the department gives [it shall give] notice of the proposed action in writing and provides [shall provide] information on how to request an administrative hearing. The applicant must submit [shall make] a written request for a hearing within 30 days from the date of [on] the department's notice letter [sent by the department]. The hearing is [shall be] conducted in accordance with the Act; [; the Administrative Procedure Act;] Texas Government Code[;] Chapter 2001, the Administrative Procedure Act; and the formal hearing procedures in Chapter 1 of this title (relating to Miscellaneous Provisions) [of the department at 25 Texas Administrative Code, §1.21 et seq].

(2) A letter of denial of licensure may be issued within 60 days after the receipt of application if the applicant does not meet the requirements of subsection (a)(3)(A) of this section.

(3) A letter of denial of licensure may be issued if the applicant does not meet the requirements of subsection (a)(3)(B) of this section:

(A) within 60 days following the first scheduled date of camp operations if a pre-licensing inspection has not been completed; or

(B) within 60 days following the first scheduled date of camp operations if the camp does not pass the pre-licensing inspection.

(4) A license holder whose license has been denied or revoked may not reapply for a new license for two years from the date of final denial or revocation.

(k) Refunds.

(1) If the applicant does not meet the requirements of subsection (a)(3)(A) of this section, the application may be denied and the license fee, less a handling fee of \$50, may be refunded. If an application is denied because the facility does not meet the requirements of subsection (a)(3)(A) of this section, the applicant should determine if a license from another agency is required.

(2) If the applicant does not meet the requirements of subsection (a)(3)(B) of this section, the application may be denied and the license fee may not be refunded.

§265.24. Application and Denial of a Renewal License.

(a) Renewal of a youth camp license. A youth camp operator [person] holding a license issued under this chapter must submit a complete renewal application to operate a youth camp. A renewal application must be submitted: [the Act shall renew the license annually before the license expires.]

(1) annually to the department's Environmental and Sanitation Licensing Branch between January 1 and March 31 of each calendar year; and

(2) no later than the 30th day after the date the youth camp operator:

(A) alters the boundaries of a youth camp;

(B) completes construction of one or more new cabins located on the premises; or

(C) completes any renovation to one or more new cabins located on the premises of the camp that:

(i) increases or decreases the number of beds in an affected cabin; or

(ii) alters the method of ingress or egress to an affected cabin.

(b) Renewal notice. At least 60 days before a license expires, the department, as a service to the licensee, may send a renewal notice to the licensee or registrant to the last [known] address provided by [of] the licensee. The [It remains the responsibility of the] licensee is responsible for renewing [to keep the department informed of the licensee's current address and to take action to renew] the license whether the licensee receives the department's notice or not [they have received the notification from the department]. The renewal notice states [shall state]:

(1) [the type of] license type requiring renewal;

(2) [the] time period allowed for renewal; and

(3) the amount of the renewal fee.

(c) Renewal requirements. Renewal applications and fees must [shall] be received by [submitted to] the department before [prior to] the license's annual expiration date.

(1) Submitting an application. A complete renewal application must be submitted to the department and include [is made by submitting]:

(A) a completed youth camp renewal application;

(B) an activity schedule showing dates and detailed information about the activities that are conducted both at the camp and at other locations;

(C) an emergency plan, including any updated emergency plan, as described in §265.31 of this subchapter (relating to Emergency Preparedness and Response);

(D) the estimated number of campers attending the camp during the upcoming calendar year;

(E) [(C)] any other requested documents and information; and

(F) [(D)] [paying] the renewal license fee as described in §265.28 of this subchapter [title] (relating to Fees).

(2) Applications and fees. Applications and fees may be submitted online to <https://vo.ras.dshs.state.tx.us>. [Obtaining an application. A blank renewal application may be obtained by calling the Environmental and Sanitation Licensing Group at (512) 834-6600 or may be downloaded from the website at www.dshs.state.tx.us/youthcamp/default.shtm. Renewal applications may be submitted to the Environmental and Sanitation Licensing Group, Department of State Health Services, Mail Code 2003, P.O. Box 149347, Austin, Texas 78714-9347.]

(3) Qualifying for renewal of a youth camp license. Subject to subsection (k) of this section, the department issues [shall issue] a renewal license if the facility:

(A) meets the definition of a "youth camp," ["Youth camp"] as described in §265.11 [§265.11(25)] of this subchapter [title] (relating to Definitions); and

(B) is in compliance with all provisions of the Act and the rules before [prior to] operation as determined by:

(i) submitting a complete renewal application as described in this subsection;

(ii) passing a pre-licensing inspection conducted by the department, if required; and

(iii) complying with all final orders resulting from any violations of this subchapter before the application for renewal is submitted.

(d) Processing renewal applications.

(1) A complete application [Applications] for a license renewal issued under this subchapter must [shall] be received by the department's Environmental and Sanitation Licensing Branch before [Group prior to] the expiration date of the license or 45 days before [prior to] camp operation, whichever is earlier.

(A) An application is considered incomplete until all required documentation, information, and fees are received.

(B) If the application is incomplete, the department issues a deficiency notice, including identification of deficiencies, a deadline for deficiency correction, and the need for a pre-licensing inspection.

(C) If a camp is subject to pre-licensing inspection, a renewal license is issued after the inspection is completed and compliance with the Act and this subchapter is confirmed.

(2) Upon receipt of an application, the department issues the following documents in accordance with policy, as applicable: [The department shall issue the renewal license or a written notice that the renewal application is complete or that the renewal application is deficient within the following periods of time from the date of receipt of the renewal application. The department shall identify deficiencies in the notice and provide a deadline by which the deficiencies shall be corrected in order for the department to renew the license or to schedule the pre-licensing inspection if required. Deficiencies may include the failure to provide required information, documents, or fees, or the failure to schedule or successfully pass the pre-licensing inspection if required. An application is not considered complete until all required documentation, information, and fees have been received. If a camp is subject to pre-licensing inspection, the time period for issuing a letter of acceptance of application for license renewal begins upon successfully passing inspection.]

(A) a license; [Letter of acceptance of application for license renewal approving the license and authorizing operation - within 30 days. The original license may serve as the letter of acceptance.]

(B) a letter [Letter] of renewal application deficiency; or [- within 30 days after receipt of a deficient renewal application.]

(C) a letter [Letter] of pre-licensing inspection deficiency [- a notice of deficiency will be issued to the camp representative on site] at the conclusion of the pre-licensing inspection [if any deficiencies were noted during the inspection].

(i) The camp must [shall] provide proof of all deficiency corrections, except for corrections to the emergency plan, [documentation that all deficiencies have been corrected] within 10 days after the inspection or before [prior to] camp operation, whichever comes first.

(ii) The camp must provide proof of all deficiency corrections for the emergency plan. The proof must be provided within 45 days after the camp received the department letter of pre-licensing deficiency.

(3) In the event that a timely and complete application for license renewal is not processed within timeframe established in department policy [paragraph (2)(A) of this subsection], and no good cause exists for the delay, the applicant has the right to request reimbursement of all fees paid in that particular application process. Requests for reimbursement must [shall] be made by email to youth-camps.reg@dshs.texas.gov. [in writing to the Environmental and Sanitation Licensing Group.] Good cause for exceeding the time period is considered to exist if the number of applications for licensure exceeds by 15% or more the number of applications processed the same calendar quarter of the preceding year or any other condition exists giving the department good cause for exceeding the time period.

(4) If the request for reimbursement as authorized by paragraph (3) of this subsection is denied, the applicant may then appeal to the commissioner for a resolution of the dispute. The applicant must [shall] give written notice to the commissioner requesting reimbursement of the fee paid because the application was not processed within the established time period. The department submits [shall submit] a written report of the facts related to the processing of the application and good cause for exceeding the established time periods. The commissioner makes [shall make] the final decision and provides [provide] written notification of the decision to the applicant and to the department.

(e) Late renewal. If a license is not renewed within one year after the expiration date, the license cannot [may not] be renewed. A new license may be obtained by submitting a new application in compliance with §265.23 of this subchapter [title] (relating to Application and Denial of a New License; Non-transferable). If the license is renewed after its expiration date, the renewed license expires [shall expire] on the date the license would have expired if the license had [it] been renewed timely.

(f) Non-renewal. The department may refuse to renew a license if the applicant has not complied with all final orders resulting from any violations of these sections. Eligibility for license renewal may be reestablished by meeting all conditions of the orders and complying with the requirements of this section. The department may not renew the license of a youth camp that has not corrected deficiencies identified in a final order before the application for renewal is submitted. Corrections must [Evidence of corrections, such as photography or documentation satisfactory to the department, shall] be submitted to and approved by the department's Environmental and Sanitation Licensing Branch before [Business Filing and Verification Unit prior to] submitting the renewal application [to the Business Filing and Verification Section of the Consumer Protection Division].

(g) Application determination affecting license expiration. If a license holder submits a [makes] timely and complete license renewal [sufficient] application [for the renewal of a license], the existing license does not expire until the application has been finally determined by the department. If a license holder submits a late or incomplete application and the application is denied, the existing license does not expire until the last day to request a [for seeking] review of the agency order or a later date granted [fixed] by order of the reviewing court.

(h) Reapplication for license upon denial or revocation. A license holder whose license has been denied or revoked may not reapply for a new license for two years from the date of final denial or revocation.

(i) Opportunity for a hearing. When the department proposes to deny an initial or renewal application, the department gives ~~[it shall give]~~ notice of the proposed action in writing and ~~provides [shall provide]~~ information on how to request an administrative hearing. The applicant must submit [shall make] a written request for a hearing within 30 days from the date of ~~[on]~~ the notice letter ~~[sent by the department]~~.

(j) Pre-licensing inspections. A youth camp applying for a license renewal may be subject to a pre-licensing inspection. Youth camps must [shall] be in compliance with all provisions of the Act and the rules ~~before [prior to]~~ operation.

(k) Denials.

(1) The department may deny a renewal application for licensing to applicants ~~[those]~~ who fail to meet the standards established by the Act and this subchapter. ~~The [In making this determination, the]~~ department ~~considers [shall consider]~~ any violations by the applicant ~~[youth camp]~~ of the Act or ~~[and]~~ this subchapter, including employment ~~of [whether the youth camp employs]~~ an individual who was convicted of an act of sexual abuse, as defined by Texas Penal Code §21.02 ~~[of the Texas Penal Code]~~, that occurred at the camp. When the department proposes to deny ~~[Prior to denying]~~ a renewal application ~~[license]~~, the department gives notice of the proposed action in writing and provides information on how to request an administrative ~~[shall give the applicant an opportunity for a]~~ hearing. The hearing ~~is [shall be]~~ conducted in accordance with the Act; ~~[; the Administrative Procedure Act;]~~ Texas Government Code~~[;]~~ Chapter 2001, the Administrative Procedure Act; and the formal hearing procedures in Chapter 1 of this title ~~(relating to Miscellaneous Provisions)[of the department at 25 Texas Administrative Code §1.21 et seq.]~~.

(2) A letter of denial of license renewal may be issued within 60 days of the receipt of application if the applicant does not meet the requirements of subsection (c)(3)(A) of this section.

(3) A letter of denial of license renewal may be issued within 60 days following the first scheduled date of camp operations if the applicant does not meet the requirements of subsection (c)(3)(B) of this section.

(l) Refunds.

(1) If the applicant does not meet the requirements of subsection (c)(3)(A) of this section, the renewal application may be denied and the renewal license fee, less a handling fee of \$50, may be refunded. If an applicant is denied because the facility does not meet the requirements of subsection (c)(3)(A) of this section, the applicant should determine if a license from another agency is required.

(2) If the applicant does not meet the requirements of subsection (c)(3)(B) of this section, the renewal application may be denied and the renewal license fee may not be refunded.

§265.28. Fees.

(a) All applicable fees must be paid to the department before the department issues a license.

(b) For all initial and renewal applications, the department is authorized to collect subscription and convenience fees, to recover costs associated with electronic application and renewal application processing.

(c) ~~[(a)]~~ The ~~[schedule of]~~ annual fees, not including subscription and convenience fees, are ~~[is]~~ as follows:

(1) initial license day youth camp:

- (A) 99 or less campers per year--\$950;
- (B) 100 to 999 campers per year--\$1,150;

- (C) 1,000 to 1,999 campers per year--\$2,000;
- (D) 2,000 to 4,999 campers per year--\$2,600; and
- (E) 5,000 or more campers per year--\$4,000;

(2) renewal license day youth camp:

- (A) 99 or less campers per year--\$750;
- (B) 100 to 999 campers per year--\$950;
- (C) 1,000 to 1,999 campers per year--\$1,750;
- (D) 2,000 to 4,999 campers per year--\$2,250; and
- (E) 5,000 or more campers per year--\$3,500;

(3) initial license residential youth camp:

- (A) 99 or less campers per year--\$2,150;
- (B) 100 to 499 campers per year--\$2,500;
- (C) 500 to 999 campers per year--\$6,500;
- (D) 1,000 to 1,999 campers per year--\$12,000;
- (E) 2,000 to 4,999 campers per year--\$15,000;
- (F) 5,000 to 9,999 campers per year--\$18,000; and
- (G) 10,000 or more campers per year--\$21,000;

(4) renewal license residential youth camp:

- (A) 99 or less campers per year--\$1,900;
- (B) 100 to 499 campers per year--\$2,250;
- (C) 500 to 999 campers per year--\$5,500;
- (D) 1,000 to 1,999 campers per year--\$10,000;
- (E) 2,000 to 4,999 campers per year--\$13,500;
- (F) 5,000 to 9,999 campers per year--\$16,500; and
- (G) 10,000 or more campers per year--\$19,500.

~~[(1) initial license day youth camp--\$250;]~~

~~[(2) initial license residential youth camp--\$750;]~~

~~[(3) renewal license day youth camps operating less than 10 days per year--\$50;]~~

~~[(4) renewal license day youth camps operating 10 or more days per year--\$150;]~~

~~[(5) renewal license residential youth camps operating less than 10 days per year--\$100; and]~~

~~[(6) renewal license residential youth camps operating 10 or more days per year--\$450;]~~

(d) ~~[(b)]~~ Miscellaneous fees are as follows:

- (1) duplicate license fee--\$20;
- (2) camp name change during operation--\$20; and
- (3) non-sufficient fund fee--\$20.

(e) Late fees will be assessed for applications received after March 31 as follows:

- (1) initial late fee--\$500; and
- (2) renewal late fee--\$250.

~~[(e) Applicants may submit applications and renewal applications for a license under these sections electronically through texas.gov]~~

at www.texas.gov. The department is authorized to collect fees, in amounts determined by the Texas Online Authority, to recover costs associated with application and renewal application processing through texas.gov.]

(f) [(d)] An applicant or licensee whose license fee payment is returned for [whose payment for the application and initial license fee is returned due to] any reason, including insufficient funds, account closed, or payment stopped, must pay [shall be allowed to reinstate the application by remitting to] the department [a money order or check for guaranteed funds in] the amount of the [application and initial] license fee [plus the Non-Sufficient Fund Fee] within 30 days after the date of [receipt of] the department's notice. An application is incomplete until the fee is [has been] received and cleared through the appropriate financial institution.

[(e)] An applicant whose license has been approved and whose payment for the license fee is returned due to any reason including insufficient funds, account closed, or payment stopped shall remit to the department a money order or check for guaranteed funds in the amount of the license fee plus the Non-Sufficient Fund Fee within 30 days after the date of receipt of the department's notice. Failure to comply with this subsection renders the application and the license approval invalid.]

[(f)] A license holder whose payment for the renewal fee is returned due to any reason including insufficient funds, account closed, or payment stopped shall remit to the department a money order or check for guaranteed funds in the amount of the renewal fee plus the Non-Sufficient Fund Fee within 30 days after the date of receipt of the department's notice. Failure to comply shall result in non-renewal of the license. If a renewal license has already been issued, it shall be invalid.]

[(g)] Upon return unclaimed of the department's notice, as set out in subsections (e) - (e) of this section, the department shall mail the notice to the applicant or license holder by certified mail. If a money order or check for guaranteed funds is not received by the department's cashier within 30 days after the postmarked date on the certified mailing, the approval granted, or license issued shall be invalid.]

(g) [(h)] The department may notify the applicant or the license holder [holder's owner] that the person has failed to comply with this section and that any [approval granted or] license issued is invalid.

(h) [(i)] Initial application or renewal fees are [shall be] refunded only if the fee amounts paid exceed [are in excess of] the correct fee amount or if there is a double payment. The department does [shall] not refund fees if the applicant fails [application was abandoned due to the applicant's failure] to respond to a written request from the department within 90 days [to a written request from the department].

(i) [(j)] All fees must [shall] be submitted online at <https://vo.ras.dshs.state.tx.us>. [in the form of personal checks, certified checks, money orders, or checks from state agencies, municipalities, counties, or other political subdivisions of the state made payable to the department.]

§265.29. Youth Camp Safety Multidisciplinary Team.

(a) The Youth Camp Safety Multidisciplinary Team (YCSMT) is composed of at least one representative from:

- (1) the department;
- (2) the Texas Division of Emergency Management (TDEM);
- (3) the Texas Department of Insurance (TDI), State Fire Marshal's Office;

(4) the Texas Parks and Wildlife Department (TPWD);

(5) the Texas Water Development Board (TWDB);

(6) the Texas A&M Forest Service (TAMFS); and

(7) the Texas Department of Public Safety (DPS).

(b) The commissioner or the commissioner's designee serves as the chair of the team.

(c) The YCSMT meets regularly to develop proposed minimum standards for youth camps. The YCSMT presents the proposed minimum standards to the executive commissioner as recommendations for adoption.

§265.30. Waiver; Appeal.

(a) The department may grant a waiver from the requirements of this chapter to a program that meets the conditions described in Texas Health and Safety Code (HSC), §141.0025(a). The program seeking the waiver must [shall] provide proof to the department that the program meets the conditions described in HSC [Health and Safety Code,] §141.0025(a) before the department may grant a waiver. To ensure [that] the program continues to be eligible for a waiver, the department may require the program to resubmit proof of meeting the conditions described in HSC [Health and Safety Code,] §141.0025(a) no more frequently than one time per calendar year or as part of an investigation described in subsection (c) of this section.

(b) A waiver granted by the department under subsection (a) of this section is valid until the waiver is revoked for cause by the department. Examples of cause for revocation include [but are not limited to]:

(1) the failure to ensure the health, safety, or welfare of persons at the program; or

(2) the failure to report abuse or neglect occurring at the program as required by Texas Family Code[,] Chapter 261.

(c) The department may conduct an investigation in response to an allegation that there is cause to revoke a program's waiver or that a program no longer meets the conditions described in HSC [Health and Safety Code,] §141.0025(a).

(d) A person who operates a program for which an application for a waiver under this section has been denied or for which a waiver under this section has been revoked may appeal the action in the manner provided for appeal of contested cases under Texas Government Code[,] Chapter 2001. When the department proposes to deny or revoke a waiver granted under this section, it must [shall] give notice of the proposed action in writing and must [shall] provide information on how to request an administrative hearing. The program must [shall] make a written request for a hearing within 30 days from the date on the notice letter sent by the department.

(e) The department will not grant a waiver from the requirements provided in HSC §141.0091 or HSC Chapter 762.

§265.31. Emergency Preparedness and Response.

(a) A youth camp operator must develop an emergency plan that:

(1) specifies areas where campers and camp staff are to gather in an emergency event that requires evacuation from any location within the premises of the camp;

(2) establishes procedures for responding to an emergency event, including:

(A) a lost camper;

(B) a fire on the premises;

(C) a severe injury, severe illness, serious accident, or death of one or more campers, visitors, camp staff, or camp volunteers that occurs:

- (i) on camp premises; or
- (ii) while under the supervision of camp staff;

(D) an aquatic emergency if the camp borders a water-course, lake, pond, or any other body of water;

(E) an epidemic;

(F) an unauthorized or unknown individual present on the camp's premises;

(G) a transportation emergency; and

(H) any other applicable natural disaster, including flood, hurricane, tornado or wildfire; or emergency event;

(3) establishes procedures to identify and account for each camper affected by the emergency event;

(4) establishes procedures to notify and communicate with:

(A) local emergency management services, including the designated emergency management director or coordinator by the political subdivision where the camp is located;

(B) camp administrative and medical services staff; and

(C) the parents or legal guardians of each camper identified under paragraph (3) of this subsection; and

(5) designates a camp emergency preparedness coordinator.

(b) A youth camp operator must develop an emergency evacuation plan for:

(1) evacuating campers who are at a camp within a floodplain on issuance of a flash flood or flood warning;

(2) evacuating campers on issuance of an evacuation order by the emergency management director or coordinator for the county or, if applicable, the municipality in which the camp is located, due to wildfire, hurricane, or other disaster; and

(3) sheltering campers in place on issuance of:

(A) a tornado warning; or

(B) an order to shelter in place issued by the emergency management director or coordinator for the county or, if applicable, the municipality in which the camp is located.

(c) A youth camp operator must:

(1) implement the emergency evacuation plan developed under subsection (b)(1) of this section on issuance by the National Weather Service (NWS) of a flash flood or flood warning for an area of the camp; and

(2) implement the emergency evacuation plan developed under subsection (b)(3) of this section on issuance by the NWS of a tornado warning for an area of the camp.

(d) A youth camp operator must send a copy of an emergency evacuation plan developed under subsection (b) of this section to:

(1) the emergency management director or coordinator for the municipality (for camps located in a municipality); and

(2) the emergency management director or coordinator for the county.

(e) A youth camp operator must provide a copy of the camp's emergency plan not later than the 10th business day following the date the department approves the emergency plan or, if the department determines the plan is deficient under §265.23 of this subchapter (relating to Application and Denial of a New License; Non-transferable) or §265.24 of this subchapter (relating to Application and Denial of a Renewal License), the youth camp must provide a copy of the camp's revised and approved emergency plan to:

(1) the designated emergency management director or coordinator for the municipality (for camps located in a municipality); and

(2) the designated emergency management director or coordinator for the county.

(f) In developing the youth camp's emergency plan, a youth camp operator must consult with an emergency management director or coordinator described in subsection (d) of this section.

(g) A youth camp operator must:

(1) provide the most recent version of a youth camp's emergency plan submitted under this section to the parent or legal guardian of:

(A) a camper who is participating in a camp session; or

(B) a camper who is registered to participate in a future camp session;

(2) notify the parent or legal guardian of a camper described by paragraph (1) of this subsection if any area of the camp is located within a floodplain; and

(3) ensure the parent or legal guardian signs and submits to the operator a statement acknowledging receipt of the notice required under paragraph (2) of this subsection.

(h) A youth camp operator must:

(1) maintain an operable radio providing real-time weather alerts issued by the NWS or a similar professional weather service at the camp;

(2) install and maintain at the camp an emergency warning system:

(A) alerting all campers and camp occupants of an emergency; and

(B) including a public address system operable without reliance on an internet connection;

(3) monitor safety alerts issued:

(A) by the NWS or a similar professional weather service; and

(B) by local river authorities, if applicable to the camp, or through other local emergency notification systems; and

(4) certify the operator's compliance with this subsection.

(i) The youth camp operator or a youth camp staff member must conduct a mandatory safety orientation, not more than 48 hours after each youth camp session begins. The safety orientation:

(1) notifies each camper of the camp's boundaries and any hazards present on the camp premises;

(2) instructs each camper on behavioral expectations in an emergency event; and

(3) provides each camper developmentally appropriate instruction on the appropriate actions and procedures to follow in an emergency event, in accordance with the camp's emergency plan required under this section.

(j) At least once a year, a youth camp operator must:

(1) provide each youth camp staff member and volunteer a copy of the camp's most recent emergency plan;

(2) ensure each staff member and volunteer successfully completes training on the camp's emergency plan in compliance with any minimum standards and required hours established by department rule;

(3) instruct each staff member and volunteer on the proper procedures to follow in an emergency under the plan; and

(4) maintain written records documenting each staff member's and volunteer's successful completion of the training required under this subsection.

(k) A youth camp operator must:

(1) post the proper evacuation route described in the youth camp's emergency plan in a conspicuous place in each cabin on the youth camp premises; and

(2) ensure each evacuation route on the camp premises is illuminated at night.

(l) A youth camp operator must notify the department as described in §265.24 of this subchapter of any modification to:

(1) a structure intended to facilitate youth camp activities;
or

(2) the location of a camp activity on the camp's premises.

(m) On receiving notification of a modification described by subsection (l) of this section, the department may require the youth camp operator to update the youth camp's emergency plan.

(n) The department must store in a digital database each emergency plan submitted to the department under this section and provide access to that database to:

(1) TDEM; and

(2) each member of the Youth Camp Safety Multidisciplinary Team (YCSMT) created under §265.29 of this subchapter (relating to Youth Camp Safety Multidisciplinary Team).

§265.32. Minimum Overnight Camper to Counselor Ratios.

The minimum camper to counselor ratios for overnight stays at youth camps are as follows.

(1) For campers from four to five years of age--one counselor for every five campers.

(2) For campers from six to eight years of age--one counselor for every six campers.

(3) For campers from nine to 14 years of age--one counselor for every eight campers.

(4) For campers from 15 to 17 years of age--one counselor for every 10 campers.

§265.33. Online Youth Camp Registry.

The department will post, maintain, and update on the department's internet website a list of each youth camp with an active license issued under this subchapter.

§265.34. Additional Inspection Required; Parental Complaints.

(a) A youth camp operator's public-facing website must include a prominent, clearly marked link to the department's complaint website where campers, parents, camp staff, and volunteers can report noncompliance with the subchapter.

(b) The department will investigate each youth camp complaint filed with the department to ensure the youth camp operator is properly implementing the camp's approved emergency plan submitted as required under §265.31 of this subchapter (relating to Emergency Preparedness and Response).

(c) A department investigation under this section must include an inspection to ensure the youth camp's compliance with this subchapter. The inspection will be performed in the same manner as a compliance inspection, as described in §265.25 of this subchapter (relating to Inspections).

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 17, 2025.

TRD-202504176

Cynthia Hernandez

General Counsel

Department of State Health Services

Earliest possible date of adoption: December 28, 2025

For further information, please call: (512) 231-5727



25 TAC §265.29

STATUTORY AUTHORITY

The repeal section is authorized by Texas Health and Safety Code §141.008, which authorizes the executive commissioner of HHSC to adopt rules to implement the Youth Camp Safety and Health Act; and by Texas Government Code §524.0151 and Texas Health and Safety Code §1001.075, which authorize the executive commissioner of HHSC to adopt rules necessary for the operation and provision of health and human services by DSHS and for the administration of Texas Health and Safety Code Chapter 1001.

The repeal affects Texas Government Code §524.0151, and Texas Health and Safety Code §141.008 and Chapter 1001.

§265.29. Youth Camp Committee.

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

Filed with the Office of the Secretary of State on November 17, 2025.

TRD-202504174

Cynthia Hernandez

General Counsel

Department of State Health Services

Earliest possible date of adoption: December 28, 2025

For further information, please call: (512) 231-5727



SUBCHAPTER C. MIGRANT LABOR HOUSING FACILITIES

25 TAC §§265.31 - 265.35

STATUTORY AUTHORITY

The repeal sections are authorized by Texas Health and Safety Code §141.008, which authorizes the executive commissioner of HHSC to adopt rules to implement the Youth Camp Safety and Health Act; and by Texas Government Code §524.0151 and Texas Health and Safety Code §1001.075, which authorize the executive commissioner of HHSC to adopt rules necessary for the operation and provision of health and human services by DSHS and for the administration of Texas Health and Safety Code Chapter 1001.

The repeals affect Texas Government Code §524.0151, and Texas Health and Safety Code §141.008 and Chapter 1001.

§265.31. *General Provisions.*

§265.32. *Definitions.*

§265.33. *Site and Physical Facilities.*

§265.34. *Procedures for Applications for Licenses to Operate Migrant Labor Housing Facilities.*

§265.35. *Hearings.*

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 17, 2025.

TRD-202504175

Cynthia Hernandez

General Counsel

Department of State Health Services

Earliest possible date of adoption: December 28, 2025

For further information, please call: (512) 231-5727



25 TAC §265.36

The executive commissioner of the Texas Health and Human Services Commission (HHSC), on behalf of the Department of State Health Services (DSHS), proposes new §265.36, concerning Prohibited Operation of Cabins within Floodplains.

BACKGROUND AND PURPOSE

The proposal is necessary to implement Senate Bill (SB) 1, 89th Legislature, Second Special Session, 2025, that amends Texas Health and Safety Code Chapter 141. SB 1 requires DSHS to prohibit licensure of youth camps within floodplains unless they meet certain requirements.

SECTION-BY-SECTION SUMMARY

Proposed new §265.36, Prohibited Operation of Cabins within Floodplains, adds new requirements for floodplain safety.

FISCAL NOTE

Christy Havel Burton, Chief Financial Officer, has determined that for each year of the first five years that the rule will be in

effect, there will be no increase in revenue to the state as a result of enforcing and administering the rule as proposed. Enforcing or administering the rule does not have foreseeable implications relating to costs or revenues of local government.

GOVERNMENT GROWTH IMPACT STATEMENT

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

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

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

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

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

(5) the proposed rule will create a new regulation;

(6) the proposed rule will expand existing regulations; and

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

DSHS has insufficient information to determine the proposed rule's effect on the state's economy.

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

Christy Havel Burton has also determined that there will be an adverse economic effect on small businesses or micro-businesses, or rural communities.

DSHS estimates that the number of small businesses, micro-businesses, and rural communities subject to the proposed rule is 380. The projected economic impact for a small business, micro-business, and rural community includes the cost to comply with the new emergency preparedness and response requirements of SB 1.

DSHS determined that alternative methods to achieve the purpose of the proposed rule for small businesses, micro-businesses, or rural communities would not be consistent with ensuring the health and safety of children attending day and residential youth camps.

LOCAL EMPLOYMENT IMPACT

The proposed rule will not affect a local economy.

COSTS TO REGULATED PERSONS

Texas Government Code §2001.0045 does not apply to this rule because the rule is necessary to protect the health, safety, and welfare of the residents of Texas, is adopted in response to a natural disaster, and is necessary to implement legislation that does not specifically state that §2001.0045 applies to the rule.

PUBLIC BENEFIT AND COSTS

Dr. Timothy Stevenson, Deputy Commissioner, has determined that for each year of the first five years the rule is in effect, the public benefit will be the safety of children attending a DSHS-licensed youth camp.

Christy Havel Burton has also determined that for the first five years the rule is in effect, persons who are required to comply with the proposed rule may incur economic costs.

The cost to people required to comply with the rule cannot be estimated due to the diversity in the location and size of youth camps regulated.

TAKINGS IMPACT ASSESSMENT

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

PUBLIC COMMENT

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

To be considered, comments must be submitted no later than 21 days after the date of this issue of the *Texas Register*. Comments must be (1) postmarked or shipped before the last day of the comment period; (2) hand-delivered before 5:00 p.m. on the last working day of the comment period; or (3) emailed before midnight on the last day of the comment period. If the last day to submit comments falls on a holiday, comments must be postmarked, shipped, or emailed before midnight on the following business day to be accepted. When emailing comments, please indicate "Comments on Proposed Rule 26R033" in the subject line.

STATUTORY AUTHORITY

The new section is authorized by Texas Health and Safety Code §141.008, which authorizes the executive commissioner of HHSC to adopt rules to implement the Youth Camp Safety and Health Act; and by Texas Government Code §524.0151 and Texas Health and Safety Code §1001.075, which authorize the executive commissioner of HHSC to adopt rules necessary for the operation and provision of health and human services by DSHS and for the administration of Texas Health and Safety Code Chapter 1001.

The new section affects Texas Government Code §524.0151, and Texas Health and Safety Code §141.008 and Chapter 1001.

§265.36. Prohibited Operation of Cabins within Floodplains.

A youth camp must not operate a cabin located within a Federal Emergency Management Agency (FEMA) identified 100-year floodplain, unless:

(1) each cabin located within a floodplain is a result of the cabin's proximity to a lake, pond, or other still body of water that:

(A) is not connected to a stream, river, or other watercourse; or

(B) is dammed; or

(2) each cabin is at least 1,000 feet from a floodway; and

(3) the youth camp operator installs and maintains an emergency ladder capable of providing access to the cabin's roof.

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 17, 2025.

TRD-202504178

Cynthia Hernandez

General Counsel

Department of State Health Services

Earliest possible date of adoption: December 28, 2025

For further information, please call: (512) 231-5727



25 TAC §265.37

The executive commissioner of the Texas Health and Human Services Commission (HHSC), on behalf of the Department of State Health Services (DSHS), proposes new §265.37, concerning Redundant Internet Connections Required.

BACKGROUND AND PURPOSE

The proposal is necessary to implement Senate Bill (SB) 1 and House Bill (HB) 1, 89th Legislature, Second Special Session, 2025, that amends Texas Health and Safety Code Chapter 141. SB 1 and HB 1 set the requirements for youth camp safety and health in relation to redundant internet connections.

SECTION-BY-SECTION SUMMARY

Proposed new §265.37, Redundant Internet Connections Required, adds new requirements for youth camp operators to provide and maintain internet services through broadband service that connects to the Internet using end-to-end fiber optic facilities and a secondary Internet connection through a broadband service distinct from the first.

FISCAL NOTE

Christy Havel Burton, Chief Financial Officer, has determined that for each year of the first five years that the rule will be in effect, there will be no increase in revenue to the state as a result of enforcing and administering the rule as proposed. Enforcing or administering the rule does not have foreseeable implications relating to costs or revenues of local government.

GOVERNMENT GROWTH IMPACT STATEMENT

DSHS has determined that during the first five years that the rules will be in effect:

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

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

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

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

(5) the proposed rule will create a new regulation;

(6) the proposed rule will expand existing regulations; and

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

DSHS has insufficient information to determine the proposed rule's effect on the state's economy.

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

Christy Havel Burton has also determined that there will be an adverse economic effect on small businesses or micro-businesses, or rural communities.

DSHS estimates that the number of small businesses, micro-businesses, and rural communities subject to the proposed rule is 380. The projected economic impact for a small business, micro-business, and rural community includes the cost to comply with the provision of end-to-end fiber and additional broadband requirements of SB 1 and HB 1.

DSHS determined that alternative methods to achieve the purpose of the proposed rule for small businesses, micro-businesses, or rural communities would not be consistent with the requirements of SB 1 and HB 1.

LOCAL EMPLOYMENT IMPACT

The proposed rule will not affect a local economy.

COSTS TO REGULATED PERSONS

Texas Government Code §2001.0045 does not apply to this rule because the rule is necessary to protect the health, safety, and welfare of the residents of Texas, is adopted in response to a natural disaster, and is necessary to implement legislation that does not specifically state that §2001.0045 applies to the rule.

PUBLIC BENEFIT AND COSTS

Dr. Timothy Stevenson, Deputy Commissioner, has determined that for each year of the first five years the rule is in effect, the public benefit will be the safety of children attending a DSHS-licensed youth camp.

Christy Havel Burton has also determined that for the first five years the rule is in effect, persons who are required to comply with the proposed rule will incur economic costs.

The cost to people required to comply with the rule cannot be estimated due to the diversity in the location of youth camps regulated.

TAKINGS IMPACT ASSESSMENT

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

PUBLIC COMMENT

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

To be considered, comments must be submitted no later than 21 days after the date of this issue of the *Texas Register*. Comments must be (1) postmarked or shipped before the last day of the comment period; (2) hand-delivered before 5:00 p.m. on the last working day of the comment period; or (3) emailed before midnight on the last day of the comment period. If the last day to submit comments falls on a holiday, comments must be postmarked, shipped, or emailed before midnight on the following business day to be accepted. When emailing comments, please indicate "Comments on Proposed Rule 26R034" in the subject line.

STATUTORY AUTHORITY

The new section is authorized by Texas Health and Safety Code §141.008, which authorizes the executive commissioner of HHSC to adopt rules to implement the Youth Camp Safety and Health Act; and by Texas Government Code §524.0151 and Texas Health and Safety Code §1001.075, which authorize the executive commissioner of HHSC to adopt rules necessary for the operation and provision of health and human services by DSHS and for the administration of Texas Health and Safety Code Chapter 1001.

The new section affects Texas Government Code §524.0151, and Texas Health and Safety Code §141.008 and Chapter 1001.

§265.37. Redundant Internet Connections Required.

A youth camp operator must provide and maintain for a youth camp:

(1) internet services through a broadband service that connects to the internet using end-to-end fiber optic facilities; and

(2) a secondary internet connection through a broadband service distinct from the service described under paragraph (1) of this section.

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

Filed with the Office of the Secretary of State on November 17, 2025.

TRD-202504179

Cynthia Hernandez

General Counsel

Department of State Health Services

Earliest possible date of adoption: December 28, 2025

For further information, please call: (512) 231-5727



TITLE 26. HEALTH AND HUMAN SERVICES

PART 1. HEALTH AND HUMAN SERVICES COMMISSION

CHAPTER 306. BEHAVIORAL HEALTH DELIVERY SYSTEM

SUBCHAPTER C. TEXAS CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINICS

26 TAC §§306.101, 306.103, 306.105, 306.107, 306.109, 306.111

The executive commissioner of the Texas Health and Human Services Commission (HHSC) proposes amendments to §306.101, relating to Purpose; §306.103, concerning Application; §306.105, concerning Definitions; §306.107, concerning Certification Eligibility; §306.109, concerning Application Process; and §306.111, concerning Certification Standards.

BACKGROUND AND PURPOSE

The purpose of the proposal is to add definitions for terms used in the subchapter and provide further clarification for certification

requirements for Texas Certified Community Behavioral Health Clinics (T-CCBHCs).

SECTION-BY-SECTION SUMMARY

The proposed amendment to §306.101 updates language to improve reader understanding.

The proposed amendment to §306.103 updates language to improve reader understanding.

The proposed amendment to §306.105 adds definitions for outpatient mental health treatment services and outpatient substance use treatment services and clarifies language in other definitions. Definitions are in line with current processes and ensure integration of mental health and substance use treatment services consistent with the goals of the T-CCBHC initiative. The proposed amendment also updates other language to improve reader understanding.

The proposed amendment to §306.107 prohibits T-CCBHC applicants from denying or limiting services to people within the local service area based on a person's housing situation. This rule aligns with federal CCBHC criteria. The proposed amendment clarifies the services T-CCBHC applicants must deliver directly or through an agreement with another entity, including mental health rehabilitative services. The amendment adds the conditions that must exist for a T-CCBHC that is not an LMHA or LBHA to provide mobile crisis outreach services. These rules are needed to ensure the integration of mental health and substance use treatment services and that HHSC can adequately monitor provision of mobile crisis outreach services. The amendment adds the requirements for T-CCBHC applicants to be enrolled as a Medicaid provider. This rule aligns with federal CCBHC criteria. The proposed rule amendment clarifies the requirements of T-CCBHC governing boards and advisory committees. The proposed amendment also requires T-CCBHC applicants to be licensed as a Chemical Dependency Treatment Facility. This amendment is in line with Texas Administrative Code Title 26, Chapter 564. The proposed amendment updates rule language to improve reader understanding.

The proposed amendment to §306.109 clarifies that if T-CCBHC applicants do not meet all eligibility requirements listed on the application for certification, HHSC considers the applicant ineligible and denies the application. However, the proposed rule also allows the applicant to re-submit a new application to HHSC after the date HHSC denies the application. The proposed amendment requires an applicant to meet all eligibility requirements listed on the application. These rules support quality service delivery and administrative processes among T-CCBHC applicants for HHSC to successfully certify applicant organizations. The proposed amendment changes the time period for denial of an application by HHSC based on termination of an applicant's contract, license, or certification from three years to within four years. This is to align with the proposed amendment in §306.111 to increase certification approval as a T-CCBHC from three to four years. The proposed amendment also updates other language to improve reader understanding.

The proposed amendment to §306.111 requires T-CCBHCs to annually report its quality measures to HHSC to remain certified. This amendment is in line with current processes and derived from federal CCBHC criteria, from which T-CCBHC criteria are modeled. The proposed amendment also changes T-CCBHC certification approval from three years to four years. This amendment supports maintaining high quality reviews of applicants us-

ing existing staff resources. The proposed amendment updates other language to improve reader understanding.

FISCAL NOTE

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

GOVERNMENT GROWTH IMPACT STATEMENT

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

- (1) the proposed rules will not create or eliminate a government program;
- (2) implementation of the proposed rules will not affect the number of HHSC employee positions;
- (3) implementation of the proposed rules will result in no assumed change in future legislative appropriations;
- (4) the proposed rules will not affect fees paid to HHSC;
- (5) the proposed rules will create new regulations;
- (6) the proposed rules will expand existing regulations;
- (7) the proposed rules will not change the number of individuals subject to the rules; and
- (8) the proposed rules will not affect the state's economy.

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

Trey Wood has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities because participation in the certification described in the proposed rule amendments is optional.

LOCAL EMPLOYMENT IMPACT

The proposed rules will not affect a local economy.

COSTS TO REGULATED PERSONS

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

PUBLIC BENEFIT AND COSTS

Trina Ita, Deputy Executive Commissioner of Behavioral Health Services, has determined that for each year of the first five years the rules are in effect, the public benefit will be expanding provider organizations delivering and improving quality of integrated mental health, substance use disorder, and primary care screenings. There is no anticipated cost for compliance with the proposed rules since there is no requirement to alter current business practices, and there are no new fees imposed.

Trey Wood has also determined that for the first five years the rules are in effect, there are no anticipated economic costs because governmental and non-profit organizations have the option, but not requirement, to become T-CCBHCs. Thus, no organization is required to comply with the rule because the organization may choose not to become T-CCBHC certified. Individuals and for-profit organizations are not eligible for T-CCBHC certification.

TAKINGS IMPACT ASSESSMENT

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

PUBLIC COMMENT

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

To be considered, comments must be submitted no later than 31 days after the date of this issue of the *Texas Register*. Comments must be (1) postmarked or shipped before the last day of the comment period; (2) hand-delivered before 5:00 p.m. on the last working day of the comment period; or (3) emailed before midnight on the last day of the comment period. If the last day to submit comments falls on a holiday, comments must be postmarked, shipped, or emailed before midnight on the following business day to be accepted. When emailing comments, please indicate "Comments on Proposed Rule 24R095" in the subject line.

STATUTORY AUTHORITY

The amendments are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Health and Safety Code §531.001 which provides HHSC with authority to oversee community mental health services.

The amendments affect Texas Government Code §524.0151 and Texas Health and Safety Code §531.001.

§306.101. Purpose.

This ~~[The purpose of this]~~ subchapter explains ~~[is to describe]~~ the process and requirements for an applicant to be certified ~~[by the Texas Health and Human Services Commission]~~ as a Texas Certified Community Behavioral Health Clinic ~~by the Texas Health and Human Services Commission~~.

§306.103. Application.

This ~~[The provisions of this]~~ subchapter applies to an applicant and a Texas Certified Community Behavioral Health Clinic as these terms are ~~[apply to applicants]~~ defined in §306.105 of this subchapter (relating to Definitions).

§306.105. Definitions.

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

(1) Applicant--An entity applying or reapplying for certification as a Texas Certified Community Behavioral Health Clinic (T-CCBHC).

(2) Application--A form that an applicant submits to the Texas Health and Human Services Commission to apply for or renew the applicant's [form submitted by an applicant for T-CCBHC] certification as a T-CCBHC [and recertification].

(3) Community needs assessment--A method to identify the needs of the community and to describe how the applicant can meet those needs [systematic approach to identifying community needs and

determining program capacity to address the needs of the population being served]. This ~~[The needs]~~ assessment is objective and includes feedback ~~[input]~~ from people receiving services, program staff, and other key community ~~members~~ [stakeholders].

(4) Crisis stabilization--Services to address a mental health or substance use crisis~~;~~ including suicide crisis response and services capable of addressing crises related to substance use].

(5) Family-centered--A way to plan, deliver, and evaluate services that involves participation between families, caregivers, and professionals [Developmentally appropriate and youth guided care that recognizes active participation between families and caregivers and professionals as a cornerstone to the planning, delivery, and evaluation of services].

(6) Governmental entity--A state agency or a political subdivision of Texas [the state], such as a city, county, hospital district, hospital authority, or state entity.

(7) HHSC--The Texas Health and Human Services Commission or its designee.

(8) LBHA--Local behavioral health authority. An entity designated [as the local behavioral health authority] by HHSC under Texas [in accordance with] Health and Safety Code [;] §533.0356(a) as the local behavioral health authority.

(9) LMHA--Local mental health authority. An entity designated [as the local mental health authority] by HHSC under Texas [in accordance with] Health and Safety Code [;] §533.035(a) as the local mental health authority.

(10) Outpatient mental health treatment services--Mental health services a T-CCBHC directly provides to adults and youth consisting of:

(A) medication management or physician evaluation and medication services;

(B) individual counseling or psychotherapy;

(C) group counseling or psychotherapy; and

(D) family counseling or psychotherapy.

(11) Outpatient substance use treatment services--Substance use treatment services a T-CCBHC directly provides to adults and youth consisting of:

(A) individual substance use counseling;

(B) group substance use counseling; and

(C) substance use education services.

(12) ~~[(10)]~~ Person--An individual receiving services under this subchapter.

(13) ~~[(11)]~~ Person-centered--Approaches that focus on a person's strengths and personal goals giving the person the chance to improve their quality of life, make choices, and have control. This method helps a person explore the person's preferences, needs, and wants while addressing medical and non-medical needs to support the person in reaching the person's full potential. [Care that is strengths-based, trauma informed, and focuses on individual capacities, preferences, and goals that gives the person the opportunity to optimize their self-defined quality of life, choice, control, and self-determination through meaningful exploration and discovery of unique preferences, needs, and wants while ensuring medical and non-medical needs are met via means that are exclusively for the benefit of the person and supports them to reach their full potential.]

(14) [(42)] T-CCBHC--Texas Certified Community Behavioral Health Clinic. An entity HHSC certifies under [certified in accordance with] this subchapter.

§306.107. Certification Eligibility.

An applicant must meet the criteria in this section for certification.

(1) Staffing requirements.

(A) Staffing plans must reflect the findings of the applicant's community needs assessment.

(B) The applicant's staff [Staff] members must have [;] and be current [currently active] with [;] all necessary [state-required] licenses and accreditations required by the state to provide the [to deliver] required services.

(C) Staff members must be trained to serve the needs of the clinic's patients [patient population] as identified through the community needs assessment and in compliance with Section 223(a)(2)(A) of the Protecting Access to Medicare Act of 2014.

(D) Staff must be trained in a person-centered and family-centered approach.

(2) Availability and accessibility of services.

(A) An applicant may not refuse [The applicant cannot deny] or limit services if a person cannot [based on a person's inability to] pay for the services.

(B) An applicant may not refuse or limit services to any person in the local service area based on where the person lives, the person's housing situation, or if the person does not have a permanent address. An applicant may coordinate care and transfer services to an appropriate provider for a person who lives outside the applicant's local service area.

(3) Care coordination.

(A) An [The] applicant must coordinate care across settings and providers to make sure that [ensure seamless] transitions are seamless for a person receiving [for the person across the full spectrum of] health services [including acute, chronic, and behavioral health].

(B) A [The] T-CCBHC must have:

(i) a health information technology system that includes an electronic health record; and [must have]

(ii) a plan [in place] focusing on ways to improve care coordination using health information technology.

(4) Scope of services.

(A) An [The] applicant must directly provide [or, with HHSC approval, arrange for the provision of] the following services:

(i) crisis [mental health] services, including:

(I) 24-hour mobile crisis outreach services, except as required under subparagraph (D) of this paragraph;

(II) crisis intervention services; [;] and

(III) crisis stabilization services [safety monitoring];

(ii) mental health and substance use screening, assessment, and diagnosis, including risk assessment for possible harm to self or others;

(iii) person-centered treatment planning, and family-centered treatment planning, when appropriate [or similar processes, including risk assessment and crisis planning]; and

(iv) outpatient mental health treatment services and outpatient substance use treatment services. [;]

(B) An applicant must provide the following services either directly or by agreement with another entity:

(i) [(v)] outpatient [clinic] primary care screening and monitoring of [key] health indicators and health risks [risk];

(ii) [(vi)] mental health targeted case management as defined in 1 TAC [Texas Administrative Code, Title 4, Part 45;] §353.1403 (relating to Definitions);

(iii) mental health rehabilitative services as defined in 1 TAC §353.1403;

[(vii)] psychiatric rehabilitation services;]

(iv) [(viii)] peer specialist services, as defined in 1 TAC §354.3013 (relating to Services Provided), and family partner supports; and

(v) [(ix)] [intensive,] community-based mental health and substance use care for members of the armed forces and veterans.

[(B) Crisis mental health services must be provided regardless of a person's place of residence, homelessness, or lack of a permanent address.]

(C) A T-CCBHC that is not an LMHA or LBHA must make an agreement with an LMHA or LBHA in the applicant's local service area to provide mobile crisis outreach services. This agreement must include shared protocols for coordination. HHSC may grant permission for a T-CCBHC to provide mobile crisis outreach services directly if the T-CCBHC has a dedicated, long-term funding source that is not time limited, and a government entity oversees the mobile crisis outreach services.

(5) Quality and other reporting.

(A) A T-CCBHC must report encounter data, clinical outcomes data, quality data, and other data that HHSC may request [requests].

(B) A T-CCBHC must have health information technology systems that allow reporting on data and quality measures.

(6) Organizational authority.

(A) An [The] applicant must be:

(i) a non-profit or governmental entity; [or]

(ii) an entity operated under the authority of the Indian Health Service, an Indian tribe, or tribal organization, pursuant to a contract, grant, cooperative agreement, or compact with the Indian Health Service pursuant to the Indian Self-Determination Act and Education Act (25 U.S.C 5301, *et seq.*); [(25 U.S.C. 450 *et seq.*);] or

(iii) an urban Indian organization pursuant to a grant or contract with the Indian Health Service under title V of the Indian Health Care Improvement Act (25 U.S.C 1601, *et seq.*) [(25 U.S.C. 1604 *et seq.*)].

(B) An [The] applicant must operate [be operational] as an entity listed under subparagraph (A) of this paragraph for at least [a minimum of] two years in Texas before applying for T-CCBHC certification.

(C) An [The] applicant's T-CCBHC must have a governing board. [The governing board must:]

(i) The governing board must:

(I) [(i)] have [be comprised of] at least 51 per-cent of its members be [families, consumers, and] people with lived experience of a mental health or substance use need or family mem-bers of people receiving [in recovery from] behavioral health services [conditions]; or

(II) [(ii)] create [establish] an advisory commit-tee that meets the requirements of subclause (I) [clause (i)] of this clause that gives feedback [subparagraph and provides meaningful in-put] to the governing board about the T-CCBHC's: [policies, processes, and services-]

- (-a-) community needs;
- (-b-) goals and objectives;
- (-c-) service development;
- (-d-) quality improvement and activities;
- (-e-) fiscal and budgetary priorities; and
- (-f-) governance.

(ii) The governing board must consider feedback provided by an advisory committee described in clause (i)(II) of this subparagraph in its decision-making processes.

(D) An applicant must:

- (i) be enrolled as a Medicaid provider;
- (ii) be credentialed and contracted with at least one managed care organization; and
- (iii) have a Chemical Dependency Treatment Facil-ity license under Chapter 564 of this title (relating to Chemical De-pendency Treatment Facilities) to deliver adult and youth outpatient substance use treatment.

§306.109. Application Process.

[(a)] To [An applicant must submit a completed HHSC appli-cation to] be considered for certification or recertification, an applicant must fill out and submit a complete application by using the applica-tion [using application information] and instructions [provided] on the HHSC website.

[(b)] HHSC prioritizes review and approval of LMHA and LBHA T-CCBHC applications as appropriate-]

(1) [(e)] HHSC reviews an application based on the certi-fication [in accordance with the T-CCBHC] eligibility requirements in §306.107 of this subchapter (relating to Certification Eligibility) and may deny an application for certification for good cause, including if:

(A) [(1)] the application is missing any required infor-mation; [the application is incomplete in any aspect;]

(B) [(2)] the applicant did not submit the application following HHSC's application instructions or published notice; [the ap-plication is not submitted in accordance with HHSC's application in-structions or published notice;]

(C) [(3)] the application has [contains] false infor-mation;

(D) [(4)] HHSC, any other agency in Texas or in another state, or federal agency has terminated the applicant's contract, license [license], or certification for cause within [at any point in] the four [three] years before the date the applicant submitted [preceding] the application [submission date];

(E) [(5)] the applicant is excluded or debarred from con-tracting with the State of Texas or the federal government;

(F) [(6)] the applicant has an outstanding Medicaid pro-gram audit exception or other unresolved financial liability owed to the State of Texas; or

[(7) the applicant is ineligible to enroll as a Medicaid provider for reasons relating to criminal history records as set forth in state rules; or]

(G) [(8)] the applicant terminated a provider agreement in a "federal health care program," [federal health care program] as defined in 42 U.S.C §1320a-7b(f) [42 U.S.C. §1302a-7b(f)], while an adverse action or sanction was in effect.

(2) HHSC gives priority to reviewing and approving appli-cations from LMHAs and LBHAs when appropriate.

(3) If an applicant does not meet all eligibility requirements listed on the application, HHSC considers the applicant ineligible and denies the application. The applicant can apply again by submitting a new application to HHSC after the date HHSC denies the application.

(4) [(d)] If an applicant meets all eligibility requirements listed on the application, the [An] applicant must submit supporting documentation and participate in interviews, as requested by HHSC, [conducted interviews] to confirm the applicant meets each certification criterion in §306.107 of this subchapter.

(5) [(e)] The applicant must submit the [Applicants must submit appropriate documentation in response to no more than two requests from HHSC for supplemental] information to HHSC within a timeframe agreed on [upon] by the applicant and HHSC. The time-frame agreed on may not be more than [not to exceed] 60 calendar days after [from] the date HHSC requests the information [of HHSC's first request].

§306.111. Certification Standards.

(a) To keep [In order to maintain] certification, a T-CCBHC [T-CCBHCs] must work [coordinate] with other T-CCBHCs [that deli-ver services] in the same geographic service area to make sure they do [ensure services are] not duplicate services [duplicated] for people who receive [persons receiving] services from more than one T-CCBHC.

(b) A T-CCBHC must keep [certification does not replace Texas regulations regarding provision of services or contract re-quirements. T-CCBHCs must maintain] all required licenses during [throughout] the certification period. If any required licenses are revoked and [Any regulatory license revocations, of either facility or professional licenses, that result in] a T-CCBHC is [being] unable to operate in [within the State of] Texas, the certification will be void [preclude the T-CCBHC from continuing as certified].

(c) T-CCBHC certification is approved for four [three] years, subject to the limits [parameters] outlined in §306.109(1) [§306.109(e)] of this subchapter (relating to Application Process).

(d) A T-CCBHC [T-CCBHCs] may reapply for certification if eligible as outlined in [accordance with] §306.109 of this subchapter.

(e) To prevent a gap [ensure prevention of a lapse] in certifica-tion, a T-CCBHC [T-CCBHCs] must submit an application, as defined in §306.105(2) of this subchapter (relating to Definitions), to be con-sidered for recertification. A T-CCBHC [Applications] must submit an application between [be submitted no earlier than] 180 calendar days and [before the expiration of certification, but not later than] 60 calen-dar days before the date the current [expiration of] certification expires.

The agency certifies that legal counsel has reviewed the pro-posal 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 17, 2025.

TRD-202504171

Karen Ray
Chief Counsel
Health and Human Services Commission
Earliest possible date of adoption: December 28, 2025
For further information, please call: (512) 458-0775



ADOPTED RULES

Adopted rules include new rules, amendments to existing rules, and repeals of existing rules. A rule adopted by a state agency takes effect 20 days after the date on which it is filed with the Secretary of State unless a later date is required by statute or specified in the rule (Government Code, §2001.036). If a rule is adopted without change to the text of the proposed rule, then the *Texas Register* does not republish the rule text here. If a rule is adopted with change to the text of the proposed rule, then the final rule text is included here. The final rule text will appear in the Texas Administrative Code on the effective date.

TITLE 1. ADMINISTRATION

PART 15. TEXAS HEALTH AND HUMAN SERVICES COMMISSION

CHAPTER 351. COORDINATED PLANNING AND DELIVERY OF HEALTH AND HUMAN SERVICES

SUBCHAPTER A. GENERAL PROVISIONS

1 TAC §§351.3, §351.6

The executive commissioner of the Texas Health and Human Services Commission (HHSC) adopts amendments to §351.3, concerning Recognition of Out-of-State License of a Military Service Member or Military Spouse; and §351.6, concerning Alternative Licensing for Military Service Members, Military Spouses, and Military Veterans.

Amended §351.3 and §351.6 are adopted without changes to the proposed text as published in the September 19, 2025, issue of the *Texas Register* (50 TexReg 6083). These rules will not be republished.

BACKGROUND AND JUSTIFICATION

The amendments are necessary to comply with House Bill (HB) 5629, 89th Regular Session, 2025 and Senate Bill (SB) 1818, 89th Regular Session, 2025.

SB 1818 amends Texas Occupation Code (TOC) §55.004 and §55.0041 to allow a military service member, a military veteran, or a military spouse to receive a provisional license upon receipt of a complete application, if they meet the existing criteria outlined in TOC §55.004 or §55.004. To qualify, the applicant must hold a current license in good standing from another state that is similar in scope of practice to a license issued in Texas.

HB 5629 amends TOC §55.004 and §55.0041 to require state agencies to recognize out-of-state licenses that are in good standing and similar in scope of practice to a Texas license, and to issue a corresponding Texas license. The bill also changes the documentation required in an application, shortens the time by which the agency must process an application, and defines "good standing".

COMMENTS

The 31-day comment period ended October 20, 2025.

During this period, HHSC received comments regarding the proposed rules from one commenter, Endeavors. A summary of comments relating to the rules and HHSC's responses follows.

Comment: Endeavors expressed support for the amendments and noted that it strongly supports the amendments for their

potential to enhance workforce retention, minimize professional disruption, and promote regulatory consistency for military-connected individuals across Texas.

Response: HHSC acknowledges this comment.

STATUTORY AUTHORITY

The amendments are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system; Texas Occupations Code §55.004, which requires a state agency that issues a license to adopt rules for the issuance of the license to an applicant who is a military service member, military veteran, or military spouse; and Texas Occupations Code §55.0041, which requires a state agency that issues a license to adopt rules for recognition of out-of-state licenses of military service members and military spouses.

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 10, 2025.

TRD-202504101

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Effective date: December 1, 2025

Proposal publication date: September 19, 2025

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



TITLE 13. CULTURAL RESOURCES

PART 2. TEXAS HISTORICAL COMMISSION

CHAPTER 11. ADMINISTRATION DEPARTMENT

SUBCHAPTER C. AFFILIATED NONPROFIT ORGANIZATIONS; FRIENDS OF THE TEXAS HISTORICAL COMMISSION

13 TAC §§11.61 - 11.67

The Texas Historical Commission (THC) adopts new Subchapter C of Chapter 11, including §§11.61 - 11.67, related to Affiliated Nonprofit Organizations and the Friends of the THC, as autho-

rized in Texas Government Code §§ 442.005(q), and 442.043, as enacted in H.B. 4187, 89th Legislature, Regular Session. Sections 11.61, 11.62 and 11.64 - 11.67 are adopted without changes to the text as published in the October 3, 2025, issue of the *Texas Register* (50 TexReg 6394) and will not be republished. Section 11.63 is adopted with changes and will be republished.

THC received no public comments on the rules as published.

These rules are adopted under in Texas Government Code §§ 442.005(q), which authorizes the Commission to adopt rules for the effective administration of Chapter 442, Texas Government Code, and 442.043, as enacted in H.B. 4187, 89th Legislature, Regular Session, which requires the Commission to adopt rules and guidelines for affiliated nonprofit organizations, including the Friends of the Texas Historical Commission.

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

§11.63. Criteria and General Requirements.

ANOs must comply with the general best practices prescribed in this subsection.

(1) ANOs shall not hold or obligate commission funds unless the ANO has entered into written agreement with the commission regarding the use of such funds.

(2) ANOs shall comply with all applicable rules, regulations, and laws, including all applicable laws regarding discrimination based on race, color, national origin, sex, age, and disability.

(3) ANOs shall not use or authorize the use of commission intellectual property, including trademarks, logos, name, or seal, without the express written agreement of the commission.

(4) ANOs may use equipment, facilities, or services of employees of the commission only in accordance with a written agreement that provides for the payment of adequate compensation and/or identifies the benefit to the commission for such use. Notwithstanding this subsection, an ANO may use commission facilities to the same extent and for the same fee as members of the public.

(5) ANOs shall conduct business in a way that will ensure public access and transparency. As used in this subsection, "transparency" shall mean that an ANO's business practices and internal processes are conducted in a way that is open, clear, measurable, and verifiable.

(6) ANOs shall file with the commission and make available to the public an annual report that includes a list of the primary activities undertaken during the previous year, a summary of significant achievements and challenges over the previous year, and other information requested by the commission.

(7) Regardless of whether an ANO is required to file an IRS 990 with the Internal Revenue Service, each ANO must complete and file an IRS 990 with the commission each year, regardless of income.

(8) ANOs shall file with the commission their articles of incorporation, by-laws, most recent financial statements, and any updates to these documents upon request of the commission.

(9) An ANO shall not engage in activities that would require it or a person acting on its behalf to register as a lobbyist under Chapter 305, Texas Government Code, or other Texas law. However, this subsection is not intended to restrict an ANO from providing information to the legislature or to other elected or appointed officials.

(10) ANOs shall not donate funds to a political campaign or endorse a political candidate.

(11) ANOs shall notify the commission of all meetings and allow a commission representative to attend all meetings, including, but not limited to, meetings of the ANO's general membership, managing board, and committees. Meeting notices must be provided to the commission sufficiently in advance of the meeting so that the commission representative has ample opportunity to attend. Such notice may be provided by letter, email, or telephone.

(12) ANOs must have an annual audit by an independent accounting firm and shall make the results of that audit available to the commission.

(13) ANOs must maintain an adequate directors and officers liability insurance policy.

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 14, 2025.

TRD-202504157

Joseph Bell

Executive Director

Texas Historical Commission

Effective date: December 4, 2025

Proposal publication date: October 3, 2025

For further information, please call: (512) 463-6100



TITLE 16. ECONOMIC REGULATION

PART 2. PUBLIC UTILITY COMMISSION OF TEXAS

CHAPTER 25. SUBSTANTIVE RULES APPLICABLE TO ELECTRIC SERVICE PROVIDERS

The Public Utility Commission of Texas (commission) adopts new 16 Texas Administrative Code (TAC) §25.60, relating to Transmission and Distribution Wildfire Mitigation Plans, with changes to the proposed text as published in the September 5, 2025, issue of the *Texas Register* (50 TexReg 5853) and amendments to 16 TAC §25.231, relating to Cost of Service, with no changes to the proposed text as published in the September 5, 2025, issue of the *Texas Register* (50 TexReg 5853). 16 TAC §25.60 will be republished. 16 TAC §25.231 will not be republished.

New §25.60 and the amendments to §25.231 implement Public Utility Regulatory Act (PURA) §§38.080 and 36.064 as enacted and revised, respectively, by House Bill (HB) 145 during the 89th Regular Texas Legislative Session. New §25.60 requires electric utilities, municipally owned utilities, and electric cooperatives that own transmission or distribution facilities in a wildfire risk area of this state to seek commission approval of, and subsequently implement, a wildfire mitigation plan. The amendments to §25.231 add additional criteria for the commission to consider when approving electric utility self-insurance plans and specific conditions for electric utilities' use of self-insurance reserve funds for damages from a wildfire event.

New §25.60 and the amendments to §25.231 are adopted under Project Number 56789.

The commission received written comments on the proposed new §25.60 and amended §25.231 from American Electric Power Companies (AEP Companies), CenterPoint Energy Houston Electric, LLC (CenterPoint), Cross Texas Transmission, LLC (Cross Texas), Entergy Texas, Inc (Entergy), Golden Spread Electric Cooperative, Inc. (Golden Spread), LCRA Transmission Services Corporation (LCRA), Office of Public Utility Counsel (OPUC), Oncor Electric Delivery Company, LLC (Oncor), Pedernales Electric Cooperative, Inc (PEC), Southwestern Public Service Company (SPS), Technosylva, Texas Electric Cooperatives, Inc (TEC), Texas-New Mexico Power Company (TNMP), and Texas Public Power Association (TPPA).

Comments on proposed new §25.60 and amendments to §25.231

General comments

Cost allocation to residential and small commercial customers

OPUC recommended that the commission ensure that residential and small commercial customers do not bear a disproportionate share of the costs of wildfire mitigation plans and electric utility self-insurance plans.

Commission Response

The commission will review costs related to the implementation of an electric utility's wildfire mitigation plan during a rate proceeding and will apply the appropriate standards to the utility's requested rate changes. The commission does not retain original jurisdiction to review the retail rates of electric cooperatives or municipally owned utilities and, therefore, the commission would review the appropriateness of cost allocation only on a perfected appeal of those retail rates.

Cost allocation to generators

OPUC recommended that the commission "closely evaluate whether generators should share in wildfire mitigation and insurance costs for transmission infrastructure protection." OPUC asserted that, in the same way that "consumers are assigned these costs because TDU use their transmission and distribution infrastructure to deliver electricity service to them," "generators should be assigned some costs because they use the same transmission infrastructure to deliver power to and through the grid."

Commission Response

The commission declines to assess as part of this rulemaking project whether electric utilities' wildfire mitigation plan and self-insurance plan costs should be allocated to generators as recommended by OPUC. The purpose of this rulemaking project is to implement PURA §§ 36.064 and 38.080, as required by HB 145, §3, and conducting a cost sharing evaluation as proposed by OPUC is beyond that scope.

Comments on proposed §25.60

General comments

Duplicative cost recovery

OPUC noted that transmission and distribution utilities can seek to recover the costs of implementing wildfire-related measures through multiple avenues, including through distribution cost recovery factor and comprehensive base rate proceedings. Accordingly, OPUC recommended that the cost components of

wildfire mitigation plans be reviewed comprehensively to ensure that there is no duplicate cost recovery.

Commission Response

The commission declines to address the review of cost components of wildfire mitigation plans as it is beyond the scope of this rulemaking project.

Cost burden of independent expert analysis

OPUC recommended that the commission "determine if an analysis of the plan by an independent expert in wildfire risk mitigation is needed, especially if such analysis is already included in a utility's SRP or filed as part of a utility's comprehensive rate review to curtail costs for residential and small commercial consumers." OPUC additionally recommended that, because hiring an independent expert or other entity with relevant wildfire risk mitigation expertise may pose an unnecessary cost burden on smaller, individual entities, "utilities should partner with adjacent utilities to reduce costs" whenever possible.

Commission Response

PURA §38.080(b)(7) requires an entity to include in its wildfire mitigation plan "an analysis of the wildfire mitigation plan prepared by an independent expert in fire risk mitigation." Accordingly, adopted §25.60(f)(2)(C) requires that an entity must include in its application for approval of a wildfire mitigation plan an analysis of its plan prepared by an independent expert, or a team of independent experts. Entities may consider filing a joint application with one or more other entities in accordance with adopted §25.60(d)(2) or utilizing local or non-traditional expert resources such as volunteer fire departments, provided that those resources meet the qualifications established by adopted §25.60(f)(2)(C).

TDEM wildfire risk area determinations

TNMP asserted that the references to TDEM wildfire risk area determinations in proposed §25.60(b)(3), (c)(3)(C), (d)(2), (e)(A)(iv), (e)(B)(v), and (f)(4)(A)(v) are unclear because "TDEM itself does not determine wildfire risk areas" and instead defers to the Texas A&M Forest Service and its publicly-available Texas Wildfire Risk Explorer map. Further, TNMP asserted that "TDEM does not provide specific determinations based on the TAMFS Risk Explorer, or provide guidance on which layers or considerations are most applicable for entity evaluations under this Section" and questioned "whether the Commission intends for a utility to comply with suggested 'determinations' made as of the date of a wildfire mitigation plan filing, or if consistent updates to plans are required when the TAMFS Risk Explorer...changes or updates with new data." Accordingly, TNMP recommended that the commission revise the proposed rule to "clarify the involvement of...TDEM...in making determinations of elevated risk areas for wildfire" and "address whether or how often utilities must update plans in response to ongoing changes in wildfire risk assessments."

Commission Response

The commission declines to modify proposed §25.60 to specify how TDEM will make wildfire risk area determinations or specify how entities should respond to ongoing changes in wildfire risk area determinations as recommended by TNMP because it would be inappropriate for the commission to do so. PURA §38.080 does not provide the commission with the authority to dictate how wildfire risk area determinations will be made or how often those determinations will be updated. However, the

commission specifies, in adopted §25.60(f)(1), the filing requirements for an entity's application for approval of a wildfire mitigation plan.

Independent ownership of wildfire risk maps and models

Technosylva recommended that the commission enable entities to "designate additional areas of wildfire risk above what TDEM determines" and, where there is discrepancy between entities' and TDEM's determinations, allow for the "more sophisticated and granular model to take precedence over TDEM's determinations." Additionally, Technosylva recommended that the commission consider implementing a "regulatory pathway" for utilities to own their wildfire risk maps and make "Petition for Modification" filings to "formally adjust their elevated wildfire risk areas based on new findings from dynamic risk assessments based on current conditions."

Commission Response

The commission declines to modify proposed §25.60 to enable entities to make additional wildfire risk area determinations above TDEM's determinations, allow entities' determinations to take precedence over TDEM's determinations, or implement a regulatory pathway for entities to own their own wildfire risk maps as recommended by Technosylva because it is unnecessary. PURA §38.080(a)(4) explicitly allows an entity to designate an area to be at an elevated risk for wildfire. Additionally, the commission specifies, in adopted §25.60(f)(1), the process for an entity to file an update to its wildfire mitigation plan.

Filing requirements for facilities outside of an entity's service territory

TPPA requested clarification from the commission on the requirements for entities to file wildfire mitigation plans in wildfire risk areas where the entity owns and operates facilities outside of the entity's service territory.

Commission Response

The commission clarifies that an entity must file an application for approval of a wildfire mitigation plan if it owns a transmission or distribution facility in a wildfire risk area of this state, as determined by TDEM or the entity itself. This requirement applies to facilities located both inside and outside of entities' service territory.

Inapplicability of plan requirements

TPPA commented that some smaller entities may be unable to provide all of the information required for a wildfire mitigation plan because the information is maintained by a larger entity, like a transmission service provider, rather than the filing entity. Accordingly, TPPA recommended that the commission allow entities to indicate in their applications that a requirement is 'not applicable' to their plan or request good cause exceptions to plan requirements.

Commission Response

The commission agrees with TPPA and adopts §25.60(f)(4) to provide that, for any inapplicable application requirements, an entity must clearly identify in its application the requirement that is inapplicable and include a description of why the entity believes the requirement is inapplicable to its application.

Future-focused planning

TPPA noted that "some utilities may include in their plan actions they intend to take in the future to help mitigate against wildfire

going forward" and recommended that the commission encourage entities to report both the wildfire mitigation measures they have already implemented and those that will be undertaken in the near future.

Commission Response

Entities may include in their wildfire mitigation plans measures that they determine are suited to their individual system characteristics and present wildfire risks.

Consideration of transmission-only entities

Cross Texas asserted that, because "the operations of a transmission-only utility differ significantly from other electric service providers," applying the requirements of proposed §25.60 in its entirety to transmission-only utilities "simply is not feasible or practicable." Accordingly, Cross Texas urged the commission to "take into account the substantial differences between transmission-only utilities and those utilities that provide distribution service" and "consider the specific challenges and operational realities that transmission-only utilities face."

Commission Response

The commission recognizes that not all requirements in §25.60 will apply to all different types of entities impacted by §25.60 and adopts §25.60(f)(4) to provide that, for any inapplicable application requirements, an entity must clearly identify in its application the requirement that is inapplicable and include a description of why the entity believes the requirement is inapplicable to its application.

Proposed §25.60(a)

Proposed §25.60(a) establishes that the section applies to electric utilities, municipally owned utilities, and electric cooperatives operating in this state.

TPPA recommended that the commission add the following language to proposed §25.60(a) for consistency with 16 TAC §25.62, relating to Transmission and Distribution System Resiliency Plans: "Each transmission and distribution system has different system characteristics and faces different wildfire risks. The ability to precisely define, measure, and address these risks varies. Wildfire mitigation plans will be construed pragmatically to provide each utility with the flexibility to affordably develop a well-tailored and systematic approach to improving the resiliency of its system."

Commission Response

The commission declines to add the 'purpose and applicability' language in §25.62(a)(1), relating to Transmission and Distribution System Resiliency Plans, to adopted §25.60(a) as recommended by TPPA because §25.62(a)(1) and §25.60(a) serve functionally different purposes. The 'purpose and applicability' language in §25.62(a)(1) is employed to frame the pragmatic construal of the rule's requirements, as the concept of resiliency may apply to a variety of situations and may not be subject to a standardized method of measurement. Differently, the 'applicability' language in adopted §25.60(a) is employed to indicate the entities to which the rule applies.

Proposed §25.60(b)

Proposed §25.60(b) establishes the section's definitions of 'Entity,' 'Wildfire,' and 'Wildfire risk area.'

LCRA recommended that the commission add a new 'material change' definition to proposed §25.60(b) to specify that material

changes are only those that will impact how an entity will respond to wildfires.

Commission Response

The commission declines to add a 'material change' definition to proposed §25.60(b) or limit the scope of material changes to only those changes that impact how an entity will respond to wildfires as recommended by LCRA because the information included in an entity's wildfire mitigation plan is not limited to wildfire response. Instead, the commission retains the proposed definition of 'material change' in adopted §25.60(f)(1)(B)(ii).in adopted §25.60(f)(1)(B)(ii).

AEP Companies recommended that the commission add a new 'wildland' definition to proposed §25.60(b), as follows, to mirror that of the Texas A&M Forest Service's enabling statute: "An area in which there is virtually no development except for: (A) roads, railroads, transmission lines. and similar transportation facilities; or (B) development related to use of the land for park purposes or for timberland or other agricultural purposes."

Commission Response

The commission agrees with AEP Companies and adopts the following 'wildland' definition as §25.60(b)(4): "an area in which development is limited to roads, railroads, power lines, and similar transportation or utility structures."

Proposed §25.60(b)(2)

Proposed §25.60(b)(2) establishes the following definition of 'Wildfire': "any fire occurring on wildland or in a place where urban areas and rural areas meet. The term does not include a fire that constitutes controlled burning within the meaning of Section 28.01, Penal Code.

TPPA asserted that the phrase 'any fire occurring on wildland or in a place where urban areas and rural areas meet,' as used in the proposed §25.60(b)(2), does not provide meaningful clarity. Accordingly, TPPA recommended that the commission revise proposed §25.60(b)(2) as follows to mirror the Texas A&M Forest Service's definition of 'wildfire': "an unplanned, uncontrolled fire in an area of combustible vegetation, starting in rural or urban areas."

Cross Texas asserted that the 'wildfire' definition in proposed §25.60(b)(2) is "overly broad" and "will create uncertainty about when a utility becomes subject to the regulatory framework contemplated under the PFP." Further, Cross Texas asserted that the term 'wildland' and the phrase 'where urban areas and rural areas meet' are "vague and lack precision and, as a result, could cause the definition of 'wildfire' to encompass situations that ordinarily would not be considered wildfire events." Accordingly, Cross Texas recommended that the commission revise proposed §25.60(b)(2) as follows: "an uncontrolled fire spreading through vegetative fuels, requiring suppression action by fire departments or emergency services, occurring primarily on wildland or in wildland-urban interface areas." Cross Texas included redlines consistent with its recommendation.

PEC asserted that the 'wildfire' definition in proposed §25.60(b)(2) is "too broad" and should be revised to "avoid categorizing all fires as wildfires, as this may lead to overreporting and misinterpretation," and to mirror the 'large wildfire' acreage threshold employed by Texas A&M's Texas Wildfire Risk Explorer map. Accordingly, PEC recommended that the commission revise proposed §25.60(b)(2) to specify that a 'wildfire' is "any unplanned, uncontrolled fire that poses a significant

threat to public safety, property, or utility infrastructure, occurring on wildland or in a place where urban areas and rural areas meet" and does not include fires less than 500 acres.

Entergy recommended that the commission consider the following National Weather Service definition of 'wildfire' in revising proposed §25.60(b)(2): "Any significant forest fire, grassland fire, rangeland fire, or wildland-urban interface fire that consumes the natural fuels and spreads in response to its environment ... In general, forest fires smaller than 100 acres, grassland or rangeland fires smaller than 300 acres, and wildland use fires not actively managed as wildfires should not be included."

Oncor asserted that the definition of 'wildfire' in proposed §25.60(b)(2) could be "problematic" when applied in context to wildfire mitigation plans because it would designate all fires, including structure fires, that occur on wildland or in a place where urban areas and rural areas meet as 'wildfires.' Further, Oncor argued that this "much broader definition" of 'wildfire' could "cause utilities to be assigned responsibility for mitigation actions relating to structure fires not within the realm of the type of utility wildfire mitigation that the Legislature contemplated in passing HB 145." Accordingly, Oncor recommended that the commission delete the phrase 'or in a place where urban areas and rural areas meet' from proposed §25.60(b)(2).

Commission Response

The commission agrees with commenters that clarifying revisions to the 'wildfire' definition under proposed §25.60(b)(2) are warranted. Accordingly, the commission specifies in adopted §25.60(b)(2) that a wildfire is "an unplanned fire spreading through vegetative fuels, occurring primarily on wildland or in wildland-urban interface areas. The term does not include a fire that constitutes controlled burning within the meaning of Section 28.01, Penal Code."

The commission declines to modify the 'wildfire' definition under proposed §25.60(b)(2) to include a minimum acreage threshold as recommended by PEC and Entergy for two reasons. First, the size of the wildfire is not a controlling factor on whether an entity must submit a wildfire mitigation plan. Second, the commission recognizes that small wildfires can quickly become large wildfires and an entity's wildfire mitigation plan must address the risk of such an event.

Proposed §25.60(b)(3)

Proposed §25.60(b)(3) establishes the following definition of 'Wildfire risk area determination': "an area determined to be at an elevated risk for wildfire by the Texas Division of Emergency Management (TDEM) or an entity that owns transmission or distribution facilities within that area. An area that is determined to be a wildfire risk area by an entity that owns transmission or distribution facilities within that area is only considered to be a wildfire risk area under this section with respect to the entity that made the designation."

OPUC recommended that the commission revise proposed §25.60(b)(3) to specify that entities that determine their own wildfire risk areas should properly support this determination with "evidence and justification based on historical wildfire data, fuel sources, periodic physical inspections, climate and weather condition standards, wildland-urban interfaces, and vulnerability of the systems to wildfires."

TEC expressed concern that the 'wildfire risk area' definition in proposed §25.60(b)(3) lacks clear criteria or explanation for how

TDEM will determine wildfire risk areas. Accordingly, TEC recommended that the commission revise proposed §25.60(b)(3) to clarify TDEM's methodology for determining a wildfire risk area and provide that "the determination of a wildfire risk area will not be applied retroactively if an event were to occur in an area that was not previously designated as a wildfire risk area."

Cross Texas recommended that the commission revise the definition of 'wildfire risk area' in proposed §25.60(b)(3) to retain entities' abilities to self-determine wildfire risk areas but "establish a preference for wildfire risk areas being established by TDEM." Cross Texas argued that this approach would improve consistency in wildfire risk determinations while maintaining entities' flexibility to self-determine.

Commission Response

The commission declines to modify the 'wildfire risk area' definition under proposed §25.60(b)(3) to require entities to provide evidence and justifications of their wildfire risk area determinations as recommended by OPUC. PURA §38.080 does not provide the commission with authority over wildfire risk area determinations, nor does it require entities to justify their wildfire risk area determinations to the commission. Accordingly, it would be inappropriate for the commission to impose such a requirement in §25.60.

The commission declines to modify the 'wildfire risk area' definition under proposed §25.60(b)(3) to specify how TDEM will make wildfire risk area determinations as recommended by TEC because PURA §38.080 does not provide the commission with the authority to dictate how wildfire risk area determinations are made. Accordingly, it would be inappropriate for the commission to indicate otherwise in §25.60.

The commission declines to specify in the 'wildfire risk area' definition that TDEM wildfire risk area determinations will not be applied retroactively as recommended by TEC because it is unnecessary. The commission clarifies that an entity only becomes subject to the requirements of §25.60 once an area in which it owns a transmission or distribution facility is determined to be a wildfire risk area.

The commission declines to modify the 'wildfire risk area' definition under proposed §25.60(b)(3) to prioritize TDEM's wildfire risk area determinations over entities' determinations as recommended by Cross Texas because PURA §38.080(a)(4) sets equal the wildfire risk area determinations made by TDEM and those made by entities. Accordingly, it would be inappropriate for the commission to indicate in adopted §25.60(b)(3) that any one party's wildfire risk area determinations precede another's.

In order to limit adopted §25.60(b) to only definitional language, the commission moves the language related to determination of a wildfire risk area to adopted §25.60(c) and specifies in adopted §25.60(b)(3) that a wildfire risk area is "an area determined, under subsection (c)(1) of this section, to be at an elevated risk for wildfire."

Proposed §25.60(c)

Proposed §25.60(c) provides guidance on filing responsibilities and requirements, as well as application filing schedules.

TPPA asserted that clear communication between TDEM, the commission, and facility owners is essential to ensure all parties understand which areas of the state are considered wildfire risk areas. Accordingly, TPPA recommended that the commission revise proposed §25.60(c) to include "guidance on how an entity

can determine whether TDEM has classified areas where it owns transmission or distribution facilities as being at elevated risk for wildfire, ensuring that the entire state isn't designated as being at an elevated risk, which would seem to contravene the statute." Further, TPPA recommended the commission and TDEM coordinate publicly.

Commission Response

The commission declines to modify proposed §25.60(c) to specify how TDEM will present its wildfire risk area determinations as recommended by TPPA. PURA §38.080 does not specify how TDEM will present its wildfire risk area determinations, and it does not require TDEM to coordinate its presentational method with either the commission or the entities subject to its wildfire risk area determinations. Accordingly, it would be inappropriate for the commission to indicate otherwise in §25.60.

Proposed §25.60(c)(1)(A)

Proposed §25.60(c)(1)(A) establishes that, if the owner and operator of a transmission or distribution facility are different entities, the owner may authorize the operator of the facility to file an application for approval of a wildfire mitigation plan or other filings required under this section on behalf of the owner.

LCRA recommended that the commission revise proposed §25.60(c)(1)(A) to provide that, if a facility's owner and operator are different entities, both entities may mutually agree to authorize the facility operator to file an application for approval of a wildfire mitigation plan on the facility owner's behalf. LCRA asserted that, while there may be scenarios in which a facility operator is the appropriate entity to submit a wildfire mitigation plan over a facility owner, the facility operator should, in no circumstance, be required to file a plan in place of the facility owner without mutual agreement by both entities. LCRA provided redlines according to its recommendation.

Commission Response

The commission declines to specify in proposed §25.60(c)(1)(A) that the authorization of an alternative filing entity is contingent on mutual agreement as recommended by LCRA because it is unnecessary. The commission clarifies that, while an entity that operates a transmission or distribution facility in a wildfire risk area of this state may agree to make filings on behalf of the entity that owns the facility, it is not required to do so. Under PURA §38.080(b) and adopted §25.60(d), only those entities that own a transmission or distribution facility in a wildfire risk area of this state are required to comply with the requirements of §25.60.

Proposed §25.60(c)(1)(B)

Proposed §25.60(c)(1)(B) establishes that one or more entities may file a joint application for approval of a wildfire mitigation plan.

TEC recommended that the commission revise proposed §25.60(c)(1)(B) to clarify that "an approval of a joint application...constitutes an approval of a wildfire mitigation plan for all parties to the joint application."

Commission Response

The commission agrees with TEC and adopts §25.60(j)(2)(C) to provide that commission approval of a joint application constitutes an approval for all entities party to the joint application. Further, for consistency, the commission adopts §25.60(j)(1)(B) to provide that commission denial of a joint application constitutes a denial for all entities party to the joint application.

Proposed §25.60(c)(2)(A), (B), and (C)

Proposed §25.60(c)(2)(A) requires entities to file an application for approval of an initial wildfire mitigation plan after an area in which the entity owns transmission or distribution facilities is determined to be a wildfire risk area. Proposed §25.60(c)(2)(B) requires entities with approved wildfire mitigation plans to continuously maintain and improve their plans in between required filings, provides that entities may make immaterial changes to approved plans without voiding their approval, and requires entities that make material changes to an approved plan to reobtain approval. Proposed §25.60(c)(2)(C) requires entities with approved wildfire mitigation plans to reobtain approval of those plans every three years.

TPPA asserted that, due to changing weather, long term climate patterns, and topography from year to year, an area that qualifies as 'at risk' one year may not present the same risk in subsequent years. Accordingly, TPPA recommended that the commission revise proposed §25.60(c)(2)(A), (B), and (C) to "clarify the process for an entity to communicate that its wildfire mitigation plan is no longer necessary, as the entity no longer operates in a wildfire risk area."

Commission Response

The commission declines to modify proposed §25.60(c)(2)(A) to clarify the process for an entity to communicate that it is no longer subject to the requirements of §25.60 as recommended by TPPA because it is unnecessary. Under adopted §25.60(d), an entity that owns a transmission or distribution facility in a wildfire risk area of this state is required to comply with the filing requirements of §25.60. Accordingly, if an entity previously subject to the requirements of §25.60 no longer owns a transmission or distribution facility in a wildfire risk area of this state, either because the entity no longer owns that facility or the wildfire risk area determination is rescinded, the entity is no longer required to comply with the filing requirements of §25.60.

Proposed §25.60(c)(2)(B)(i)

Proposed §25.60(c)(2)(B)(i) requires entities with approved wildfire mitigation plans to continuously maintain and improve their plans in between required filings

TEC commented that the term 'improve,' as used in proposed §25.60(c)(2)(B)(i), indicates that "there will always be a superior approach to mitigation developed between every required filing, which may simply not be the case." TEC asserted that, if an entity has an approved wildfire mitigation plan that is continuously followed and maintained, that entity has satisfied their statutory obligation and should not be required to "continuously improve or reach a higher standard with every required filing." Accordingly, TEC recommended that the commission revise proposed §25.60(c)(2)(B)(i) to provide that an entity with a plan approved by the commission must "continuously maintain and amend, if necessary, its plan in between required filings."

TNMP asserted that the requirement for entities to 'continuously maintain and improve' their approved wildfire mitigation plans in proposed §25.60(c)(2)(B)(i) is "vague and imposes unclear and unrealistic expectations for changing mitigation plans, which is not always possible or feasible." Further, TNMP asserted that this obligation is "difficult to qualify or demonstrate," and does not "meaningfully add benefits" when taken alongside the other reporting and reapproval requirements in the proposed rule. Accordingly, TNMP recommended that the commission revise proposed §25.60(c)(2)(B)(i) to require entities to maintain and im-

prove their wildfire mitigation plans "as reasonably practicable," rather than continuously.

AEP Companies recommended that the commission revise proposed §25.60(c)(2)(B)(i) to remove the term 'continuously' and the phrase 'and improve.' AEP Companies argued that these elements of proposed §25.60(c)(2)(B)(i) are "unnecessary," create "an expectation of continuous enhancement that is not conducive to effective regulatory compliance," exceed statutory direction, and introduce regulatory uncertainty by implying a standard that is "subjective and unmeasurable."

Oncor asserted that the requirement for entities to 'continuously...improve' their plans between required filings in proposed §25.60(c)(2)(B)(i) is unclear. Accordingly, Oncor recommended that the commission delete the phrase 'and improve' from proposed §25.60(c)(2)(B)(i).

Commission Response

The commission agrees with commenters that the phrase 'continuously...improve,' as used in proposed §25.60(c)(2)(B)(i), is unclear and excludes it from the adopted rule accordingly.

Proposed §25.60(c)(2)(B)(ii)

Proposed §25.60(c)(2)(B)(ii) provides that entities with approved wildfire mitigation plans may make immaterial changes to those plans without voiding their approval.

OPUC recommended that the commission revise proposed §25.60(c)(2)(B)(ii) to provide the following: "An immaterial change is a change that will not increase the cost of the plan, or negatively impact how an entity will monitor, respond to, or mitigate the risk of wildfires. An entity that has a commission-approved wildfire mitigation plan must make an informational filing with the commission under this clause that describes the immaterial change made to the plan." OPUC explained that, because the phrase 'immaterial change' is not used anywhere else in Chapter 25 of the commission's rules, both the entities and ratepayers would benefit from a clear differentiation between what constitutes a material versus immaterial change to a wildfire mitigation plan.

TNMP recommended that the commission revise proposed §25.60(c)(2)(B)(ii) to include guidelines or examples of 'immaterial' changes to a wildfire mitigation plan, such as "changes in contact information, personnel or organizational changes, changes in vendors, or community outreach efforts." TNMP asserted that offering these guidelines or examples will provide entities with additional certainty regarding which kinds of changes warrant plan reapproval.

Commission Response

In order to minimize confusion for entities, the commission removes from adopted §25.60 all references to 'immaterial' changes and instead provides in adopted §25.60(f)(1)(B)(ii) a definition for, and practical examples of, a 'material change' to an approved wildfire mitigation plan, including the elimination of an approved plan measure, reduction of approved frequencies of infrastructure inspections or vegetation management practices, introduction of a new plan measure, or a significant update to risk modeling methodologies.

Proposed §25.60(c)(2)(B)(iii)

Proposed §25.60(c)(2)(B)(iii) requires entities that make material changes to approved wildfire mitigation plans to reobtain approval of those plans, provides that a material change is one that

will impact how an entity will monitor, respond to, or mitigate the risk of wildfires, and requires applications filed under this clause to describe the material changes made to the plan.

LCRA asserted that proposed §25.60(c)(2)(B)(iii) contains a regulatory framework that, if adopted, would prove "onerous" for both the commission and entities by requiring reapproval of wildfire mitigation plans over changes to details like wildfire monitoring practices. Accordingly, LCRA recommended that the commission add a definition for the term 'material change' to proposed §25.60(b) to specify that material changes are only those that will impact how an entity will respond to wildfires and delete the following sentence from proposed §25.60(c)(2)(B)(iii): "A material change is one that will impact how an entity will monitor, respond to, or mitigate the risk of wildfires." LCRA provided redlines according to its recommendations. LCRA claimed that, if implemented, its recommendations would make the adopted rule "more transparent" and align the adopted rule with the "reasonable and appropriate" materiality standard in §25.53, relating to Electric Service Emergency Operations Plans.

CenterPoint recommended that the commission revise proposed §25.60(c)(2)(B)(iii) to clarify that a material change to a wildfire mitigation plan is one that will "materially" impact wildfire monitoring, response, or risk mitigation. CenterPoint noted that proposed §25.60(c)(2)(B)(iii) would deem any change to wildfire monitoring, response, or risk capabilities, no matter how slight, a material change. CenterPoint further asserted that, under proposed §25.60(c)(2)(B)(iii), even the action of switching from one wildfire monitoring camera manufacturer to another could be deemed a material change to an approved wildfire mitigation plan. CenterPoint provided redlines in accordance with its recommendation.

OPUC asserted that proposed §25.60(c)(2)(B)(iii) is unclear as to whether an entity's desire or need to increase costs would meet the threshold of a material change if the entity was not making any changes to how it monitors, responds to, or mitigates the risk of wildfires. Accordingly, OPUC recommended that the commission revise proposed §25.60(c)(2)(B)(iii) to specify that a material change to a wildfire mitigation plan is one that will "increase the cost of the plan" or impact how an entity will monitor, respond to, or mitigate the risk of wildfires.

TPPA requested that the commission include in the proposal for adoption examples of what common actions would be considered material changes and noted a conflict between the requirements in proposed §25.60(c)(2)(B)(i) and (iii) in that entities are charged with both continuously improving their plans in between required filings and seeking commission reapproval upon material changes to their plans.

PEC asserted that the "broad definition" of 'material change' in proposed §25.60(c)(2)(B)(iii) "may cause utilities to delay potential updates to their plan because...incremental enhancements to a utility's plan could be considered a material change and require a filing of an entirely new contested case." Accordingly, PEC recommended that the commission revise proposed §25.60(c)(2)(B)(iii) to provide that only the elimination or discontinuation of a measure in an entity's approved wildfire mitigation plan would require an application for commission reapproval. PEC included redlines according to its recommendation.

Commission Response

The commission agrees with TPPA and provides in adopted §25.60(f)(1)(B)(ii) practical examples of a material change to an

approved wildfire mitigation plan, including the elimination of an approved plan measure, reduction of approved frequencies of infrastructure inspections or vegetation management practices, introduction of a new plan measure, or a significant update to risk modeling methodologies.

The commission declines to modify proposed §25.60(c)(2)(B)(iii) to limit the scope of material changes to only those changes that impact entities' ability to respond to wildfires as recommended by LCRA. While adopted §25.60(f)(2)(B)(iii) requires entities to include in their wildfire mitigation plans a detailed operations plan for wildfire response, the information included in entities' wildfire mitigation plans will not be exclusive to wildfire response. Accordingly, it would be inappropriate for the scope of material changes under adopted §25.60(d)(1)(B)(ii) to be limited to only those changes that impact entities' ability to respond to wildfires.

The commission declines to modify proposed §25.60(c)(2)(B)(iii) to limit the scope of material changes to only those changes that 'materially' impact entities' ability to monitor, respond to, or mitigate for the risk of wildfires as recommended by CenterPoint because such a modification would not meaningfully impact the practical clarity of the provision. Instead, the commission provides in adopted §25.60(f)(1)(B)(ii) practical examples of a material change to an approved wildfire mitigation plan, including the elimination of an approved plan measure, reduction of approved frequencies of infrastructure inspections or vegetation management practices, introduction of a new plan measure, or a significant update to risk modeling methodologies.

The commission declines to modify proposed §25.60(c)(2)(B)(iii) to limit the scope of material changes to only the elimination or discontinuation of measures included in entities' approved plans as recommended by PEC because this modification would inaccurately imply that only the removal of a measure from an approved plan would modify the plan's impact. However, the commission specifies in adopted §25.60(f)(1)(B)(ii) that one practical example of a material change to an approved plan is the elimination of an approved plan measure.

The commission declines to modify proposed §25.60(c)(2)(B)(iii) to expand the scope of material changes to those changes that would increase the costs of entities' plans as recommended by OPUC because entities are not required to include cost information in their wildfire mitigation plans. Accordingly, it would be inappropriate for the commission to indicate otherwise in adopted §25.60(f)(1)(B)(ii).

TPPA commented that, in its understanding, proposed §25.60(c)(2)(B)(iii) provides that, "if an entity determines a need for a material change to its plan, ... the Commission must first approve that material modification before it can be implemented." Accordingly, TPPA asserted that "entities may forgo making adjustments to their plan to resolve immediate problems due to the risk of voiding the plan entirely" and recommended that the commission revise proposed §25.60(c)(2)(B)(iii) to allow entities to make material changes to their plans, so long as they seek Commission approval no later than 30 days after making the material change.

Commission Response

The commission agrees with TPPA that it is appropriate to include a filing timeline for applications based on material changes. However, the commission declines to modify proposed §25.60(c)(2)(B)(iii) to provide that an entity can file an application for reapproval within 30 days of making a material change to its approved plan and instead specifies in adopted

§25.60(f)(1)(B)(ii) that an entity must file an application for reapproval upon making a material change to its approved plan. The commission clarifies that an entity that determines a material change to its approved plan is needed must file an application for reapproval upon making the change. The commission further clarifies that, if an entity identifies a deficiency in its approved plan that creates an imminent wildfire risk, the entity should take the operational steps necessary to rectify the deficiency while simultaneously seeking approval of the modification to its plan.

Oncor recommended that the commission revise proposed §25.60(c)(2)(B)(iii) to provide that commission review of an entity's application for plan reapproval will be limited to the specific, material changes sought and the specific portions of the entity's plan that are impacted by the material changes. Oncor provided redlines consistent with its recommendation.

Commission Response

The commission declines to modify proposed §25.60(c)(2)(B)(iii) to limit commission review of an entity's application for reapproval of a wildfire mitigation plan to only the material changes made to, or impacted portions of, a previously approved plan as recommended by Oncor. Wildfire mitigation plans consist of various, interrelated components that--when considered together--depict the strengths and weaknesses of an entity's overall wildfire mitigation strategy, relative to the entity's present risks and considerations. Therefore, the commission must consider all elements of a plan together when deliberating on the public interest of a change to that plan.

Proposed §25.60(c)(2)(C)

Proposed §25.60(c)(2)(C) requires entities with approved wildfire mitigation plans to reobtain approval of those plans every three years.

LCRA recommended that the commission revise proposed §25.60(c)(2)(C) to provide that entities must file an application for wildfire mitigation plan reapproval every five years, rather than every three years. LCRA asserted that there is a "disjunction" between proposed §25.60(c)(2)(C) and proposed §25.60(f)(5)(B)(i), with §25.60(c)(2)(C) providing that plans must be reapproved every three years and §25.60(f)(5)(B)(i) providing that commission approval of a plan is effective for five years. LCRA further asserted that, taken with the proposed rule's other reporting and reapproval requirements, a five-year reapproval cycle is appropriate. LCRA provided redlines according to its recommendation.

OPUC asserted that entities' wildfire mitigation plans should be on a three-year reapproval cycle. Additionally, OPUC asserted that entities' wildfire mitigation plans should contain a "three-year short-term evaluation and a ten-year long-term goal" that are updated and resubmitted for review and approval by the commission at the end of the three-year period. OPUC reasoned that long-term goals will allow entities to develop a long-term strategy while also allowing for flexibility to adapt to evolving risks, new information, and lessons learned.

TEC asserted that, because HB 145 does not contain an expiration period or a requirement for entities to periodically re-file their wildfire mitigation plans, the requirement in proposed §25.60(c)(2)(C) is "beyond the scope of the legislation" and is "not necessary to implement the overt requirements of HB 145." TEC recommended that, if the commission retains the requirement in proposed §25.60(c)(2)(C), the adopted rule should provide for a simplified process that would allow entities

to file a "simple notation" that their plan either is the same as was last approved by the commission or has only minor or non-substantive changes, with the minor changes noted by the entity. TEC reasoned that this simplified process would ease the burden on both the entities and commission staff.

TPPA asserted that a three-year reapproval cycle, as provided by proposed §25.60(c)(2)(C), is too frequent, "administratively punitive," and unlikely to yield meaningful changes to plans. TPPA suggested that the requirement for entities to gain reapproval of their plans upon material changes "should provide the Commission with suitable assurance that these plans are being continuously reviewed for necessary changes, without overburdening the Commission with dozens of new contested cases every year." Accordingly, TPPA recommended that the commission revise proposed §25.60(c)(2)(C) to extend the reapproval cycle to at least five, but preferably six, years from the last approval date.

PEC recommended that the commission revise proposed §25.60(c)(2)(C) to extend the reapproval cycle from three years to five years. PEC asserted that, because electric cooperatives pass regulatory costs onto their members, a three-year reapproval cycle for wildfire mitigation plans, as provided by proposed §25.60(c)(2)(C), will "impose material cost burdens" on electric cooperative members. Further, PEC asserted that, because HB 145 "does not prescribe reapproval," the commission should "avoid imposing unnecessary and potentially costly administrative filings."

Commission Response

The commission declines to delete proposed §25.60(c)(2)(C) as recommended by TEC. PURA §38.080(c) provides that the commission will approve, order the modification of, or reject an entity's wildfire mitigation plan as necessary to be consistent with the public interest. Therefore, by approving an entity's wildfire mitigation plan, the commission affirms that the plan is consistent with the public interest. However, given the dynamic nature of wildfire risks, the commission cannot, in good faith, affirm that an entity's wildfire mitigation plan will remain consistent with the public interest in perpetuity. Accordingly, the commission has determined that a three-year reapproval cadence is consistent with industry best practices for wildfire mitigation planning and provides for such in adopted §25.60(f)(1)(B)(i).

For the same reason, the commission declines to revise proposed §25.60(c)(2)(C) to provide a simplified administrative process as recommended by TEC. Though an entity with an approved plan may not have made material changes to the plan, wildfire risk circumstances may have changed, requiring the commission to comprehensively evaluate whether the plan remains in the public interest.

The commission also declines to modify the three-year reapproval cadence in proposed §25.60(c)(2)(C) as recommended by commenters because the commission has determined that it is consistent with industry best practices for wildfire mitigation planning.

Proposed §25.60(c)(2)(D)

Proposed §25.60(c)(2)(D) establishes application timing requirements for entities.

LCRA asserted that proposed §25.60(c)(2)(D) is "superfluous" and could easily be combined with proposed §25.60(c)(4) to "create a more congruous and straightforward requirement." Accordingly, LCRA recommended that the commission delete

proposed §25.60(c)(2)(D) and incorporate the content into proposed §25.60(c)(4).

Commission Response

The commission declines to delete proposed §25.60(c)(2)(D) and incorporate the content into proposed §25.60(c)(4) as recommended by LCRA because the two provisions serve separate functional purposes, with the former provision applying to entities and the latter provision applying to the commission. However, to further clarify the functional differences between the provisions, the commission redesignates proposed §25.60(c)(2)(D) as adopted §25.60(f)(1)(A), relating to initial application filing requirements, and proposed §25.60(c)(4) as adopted §25.60(h)(1), relating to application filing schedules.

Proposed §25.60(c)(3)

Proposed §25.60(c)(3) establishes filing requirements for entities' notices of intent to file an application for approval of wildfire mitigation plan.

LCRA recommended that the commission streamline the two provisions titled "Notice of intent"--proposed §25.60(c)(3) and (d)--to eliminate confusion. Specifically, LCRA recommended that the commission delete proposed §25.60(c)(3) and incorporate the content into proposed §25.60(d). LCRA provided redlines according to its recommendation.

Commission Response

The commission agrees with LCRA and consolidates the content of proposed §25.60(c)(3) and (d) into adopted §25.60(e).

Proposed §25.60(c)(4)

Proposed §25.60(c)(4) establishes that the commission will use notices of intent filed by entities under subsection (d) of this section to establish filing schedules for applications, as necessary.

LCRA recommended that the commission revise proposed §25.60(c)(4) by adding the following language: "Entities that are required to file an application under this section must file an application as soon as practicable. However, an entity must not file an application prior to May 1, 2026, unless scheduled by the commission."

Commission Response

The commission declines to revise proposed §25.60(c)(4) as recommended by LCRA because it is unnecessary when read in conjunction with proposed §25.60(c)(2)(D). However, to clarify the functional differences between the provisions, the commission redesignates proposed §25.60(c)(4) as adopted §25.60(h)(1), relating to application filing schedules, and proposed §25.60(c)(2)(D) as adopted §25.60(f)(1)(A), relating to initial application filing requirements.

Oncor recommended that the commission "set a prescribed filing schedule that would have the utilities with the largest service territories, like Oncor, file their applications for plan approval first." Oncor reasoned that its recommended approach would "allow the Commission to more effectively address the largest areas of the state sooner and provide smaller utilities the benefit of the Commission's decisions on the larger utilities' plans."

SPS asserted that, if necessary, the commission should prioritize applications from entities that own transmission or distribution entities in TDEM-determined wildfire risk areas when establishing the initial filing schedule. Accordingly, SPS recommended that the commission add the following language to the adopted

rule as new §25.60(c)(4)(C): "To the extent that the number of notices of intent received at a given time exceeds processing capacity, priority will be given in the initial filing schedule for applications to entities that own facilities in a wildfire risk area determined by TDEM."

Commission Response

The commission declines to set a prescribed filing schedule as recommended by Oncor or to establish priority status for certain applicants as recommended by SPS. Section 3(b) of HB 145 requires entities to file a wildfire mitigation plan as soon as practicable after the commission adopts a rule to implement PURA §38.080. Accordingly, it would be inconsistent with the intent of HB 145 for adopted §25.60 to establish an application filing schedule that does not account for the practicability of filing for entities. Hence, the commission specifies in adopted §25.60(h)(1)(A) that the commission will establish an initial application filing schedule based on notices of intent that are filed before March 1, 2026. Adopted §25.60(h)(1)(B) further provides that the commission may establish subsequent filing schedules at the recommendation of commission staff or the commission counsel. These provisions enable entities with an articulable estimated application filing date, as provided by the notice of intent, to move through the application process earlier and provide other entities for which readiness to file is not yet known or practicable with additional time to assemble their applications.

Proposed §25.60(c)(5)

Proposed §25.60(c)(5) requires entities with approved wildfire mitigation plans to file annual status updates by May 1 of each year and include in those reports information regarding plan implementation and approval status.

LCRA asserted that the annual reporting requirement in proposed §25.60(c)(5) is overly general and the requirements are not clearly defined. LCRA also noted that some entities, such as itself, will not have annual implementation information to provide because their wildfire mitigation plans are already implemented. Accordingly, LCRA recommended that the commission revise proposed §25.60(c)(5) by retitling the provision "Annual status update" and providing that an entity's annual status update must only contain information on the status of its wildfire mitigation plan approval.

TEC asserted both that the annual reporting requirement in proposed §25.60 is inconsistent with HB 145 and that entities may not have substantive implementation information to report annually. Accordingly, TEC recommended that the commission revise the annual reporting requirement in proposed §25.60 to provide that annual reporting is "only...required in the form of an after-action report if the wildfire mitigation plan is activated or if substantive changes are needed within the wildfire mitigation plan." Further, TEC suggested that the commission "could require the annual filing to include a statement from the entity that the report has not been materially modified." TEC asserted that, at a minimum, the commission should clarify what information must be included in entities' annual reports.

TPPA noted that annual reports are not part of the enabling statute. TPPA asserted that, taken together, the annual reports and the proposed wildfire mitigation plan reapproval requirements would impose a significant regulatory burden. Additionally, TPPA asserted that requiring annual reports on wildfire mitigation plan implementation is unlikely to yield meaningful updates because most wildfire mitigation measures require multiple years to fully implement.

AEP Companies asserted that the commission lacks clear statutory authority for the annual reporting requirement in proposed §25.60(c)(5) and that the requirement exceeds the scope of the statute. Accordingly, AEP Companies recommended that the commission remove proposed §25.60(c)(5) from the adopted rule.

Commission Response

For organizational purposes, the commission redesignates proposed §25.60(c)(5) as adopted §25.60(k)(1).

The commission disagrees with commenters that asserted the commission does not have authority to require annual reports. PURA §38.080(b)(10) requires an entity to include in its wildfire mitigation plan a description of how the entity intends to monitor compliance with the plan. Certainly, the Legislature intended for the commission to hold each entity with an approved wildfire plan accountable to that compliance plan. The commission determines, pursuant to its authority under PURA §14.001, that requiring an entity with an approved wildfire mitigation plan to file an annual report is necessary to accomplish the objectives of PURA §38.080 and safeguard the public interest by ensuring wildfire risks are more ably mitigated in the future.

Proposed §25.60(c)(2)

Proposed §25.60(c)(2) establishes that, in the event of a wildfire that impacts or is caused by an entity's transmission or distribution facilities or assets, the commission, the executive director of the commission, or a designee of the executive director may require that entity to provide an after-action or lessons-learned report and file it with the commission by a specified date.

LCRA expressed concern about the after-action reporting requirement in proposed §25.60(c)(2) and requested assurance that the commission is open to input from entities when setting due dates for after-action reports. LCRA explained that, while they have "a robust after-action procedure for all emergency operations" and "after-action reports are standard," each event is unique in its size, duration, and extent of damage and the preparation of after-action reports will not be prioritized if outstanding threats remain. Accordingly, LCRA recommended that the commission revise proposed §25.60(c)(2) to provide entities the ability to file their after-action reports as soon as practicable upon the de-escalation of emergency response levels, diminished threat conditions, or return to normal operations. LCRA provided redlines according to its recommendation.

OPUC recommended that the commission revise proposed §25.60(c)(2) to require entities to file an after-action report with the commission within 30 days of each wildfire event that impacts, or is caused by, an entity's transmission or distribution facilities or assets, rather than only in response to a request by the commission, executive director of the commission, or designee of the executive director. OPUC reasoned that this requirement would serve the public interest by assisting entities in mitigating for future wildfires and providing greater transparency and accountability to both the commission and ratepayers. Additionally, OPUC recommended that the commission revise proposed §25.60(c)(2) to specify that entities are required to include the following information in their after-action reports: a description of a wildfire event's origin; an estimate of the customers and load affected by the event; an estimate of the critical care customers, load, and other critical infrastructure facilities affected by the event; an estimate of the load affected by public safety power shut-off measures; a description of any actions taken in-line with the entity's wildfire mitigation plan

before, during, and after the event; a list and brief description of any actions included in the entity's wildfire mitigation plan that were not taken before, during, and after the event; and an explanation of lessons learned from an event.

TNMP noted that proposed §25.60(c)(2) is "silent" on what would constitute an 'impact' to entities' facilities. TNMP asserted that "without further clarification, utilities cannot reasonably anticipate the scope of potential requested reporting." TNMP provided three recommendations. First, TNMP recommended that the commission revise proposed §25.60(c)(2) to clarify what qualifies as an 'impact,' either by referring to "outage specifications, dollar-value thresholds, or other measures to sufficiently inform entities when additional reporting may be required after an event." Second, TNMP recommended that the commission revise proposed §25.60(c)(2) to include a required reporting timeframe that is no earlier than 45 days after an event. Last, TNMP recommended that the commission replace the phrase 'caused by' in proposed §25.60(c)(2) with "otherwise involved" as to avoid "prematurely suggesting causation, which could implicate entity liability in a wildfire event without a full investigation and determination of legal liability."

AEP Companies asserted that there is a "lack of clear statutory authority" for the annual reporting requirement in proposed §25.60(c)(2) and that the "inclusion of additional requirements that are not necessary to implement the law exceeds the scope of the statute and deviates from the Legislature's intent." Accordingly, AEP Companies recommended that the commission remove proposed §25.60(c)(2) from the adopted rule. Alternatively, if proposed §25.60(c)(2) is retained in the adopted rule, AEP Companies recommended that the commission design the scope and content of after-action reports to "prevent unnecessary and burdensome reporting for the utility and Commission Staff."

SPS warned that, while entities will sometimes prepare after-action or lesson-learned reports for internal purposes or at the direction of counsel, after-action reports created under proposed §25.60(c)(2) could be used out of context in litigation and have "unintended consequences that could negatively impact customers." Accordingly, SPS recommended that the commission remove the after-action reporting requirement in proposed §25.60(c)(2) from the adopted rule.

Commission Response

The commission notes the inclusion of two (c)(2) provisions in proposed §25.60 and clarifies that this response is in regard to the (c)(2) provision titled 'After-action report.' Further, the commission redesignates proposed §25.60(c)(2) as adopted §25.60(k)(2) for organizational purposes.

The commission disagrees with commenters that asserted the commission does not have the authority to require after-action reports. PURA §14.001 provides the commission with the "general power to...do anything specifically designated or implied by this title that is necessary and convenient to the exercise of that power and jurisdiction." Certainly, the Legislature intended for the commission to safeguard the public interest by ensuring wildfire risks are more ably mitigated in the future. After-action reporting allows for the analysis of the performance of an approved wildfire mitigation plan during an actual wildfire event. Accordingly, the commission determines that after-action reporting is a necessary tool for the commission to accomplish the objectives of PURA §38.080.

In order to maintain situational flexibility, the commission declines to further specify in proposed §25.60(c)(2) a filing timeline or informational requirements for after-action reporting as recommended by commenters.

The commission agrees with TNMP that the phrase 'or is caused by the entity's transmission or distribution facilities or assets' in proposed §25.60(c)(2) may prematurely imply causation of a wildfire event. Accordingly, the commission deletes that phrase and instead specifies in adopted §25.60(k)(2) that after-action reporting may be required in response to a wildfire event that impacts or involves an entity's transmission or distribution facilities.

Proposed §25.60(d)

Proposed §25.60(d) establishes the required contents of entities' notices of intent to file an application for approval of a wildfire mitigation plan.

LCRA recommended two revisions to proposed §25.60(d). First, LCRA asserted that the first two sentences of proposed §25.60(d) are "not essential" and recommended that the commission delete them from the adopted rule. LCRA explained that the first sentence, which provides that an entity's notice of intent to file an application must comply with proposed §25.60(d), is unnecessary because "regulations are drafted with the intention that they be followed and it is not requisite to remind the reader that the rule was drafted with the intention that an entity must comply." LCRA explained that the second sentence, which directs commission staff to open a 'designated project for the filing of notices,' is unnecessary because commission staff may open a project for this purpose without including direction to do so in the rule. Second, LCRA recommended that the commission replace the third sentence's reference to 'this project' with 'designated project.' LCRA explained that the second sentence's directive to commission staff to open a 'dedicated project' for notices of intent contradicts the third sentence's directive to entities to file all notices of intent under 'this project' because it implies that the 'dedicated project' and 'this project'--Project No. 56789--are the same.

Commission Response

The commission agrees with LCRA and modifies proposed §25.60(d) accordingly. The commission additionally redesignates proposed §25.60(d) as adopted §25.60(e) and (e)(1) for organizational purposes.

Proposed §25.60(d)(1)

Proposed §25.60(d)(1) requires entities to include in their notices of intent to file an application for approval of a wildfire mitigation plan an acknowledgement that they are required to file an application under this section.

TPPA recommended that the commission delete proposed §25.60(d)(1) from the adopted rule because the requirement for entities to include in their notice of intent an acknowledgment that the entity is required to file an application "creates perverse incentives for entities to avoid developing, maintaining, or implementing wildfire mitigation plans." TPPA explained that, because wildfire risk areas in the state can change year to year, entities may hesitate to establish a wildfire mitigation plan if doing so constitutes a binding acknowledgment that it operates in a wildfire risk area or would expose the entity to administrative penalties under proposed §25.60(h). TPPA further asserted that entities should have the ability to implement wildfire mitigation

plans when needed and the flexibility to forgo them when they are no longer necessary.

Commission Response

The commission disagrees with TPPA that the filing obligation acknowledgement requirement under proposed §25.60(d)(1) functionally impacts or alters an entity's obligation to file an application for approval of a wildfire mitigation plan under §25.60. By filing an application for approval of wildfire mitigation plan with the commission, an entity affirms that it owns a transmission or distribution facility in a wildfire risk area and is required to file a wildfire mitigation plan under PURA §38.080.

However, to clarify the intent of proposed §25.60(d)(1), the commission deletes proposed §25.60(d)(1) and instead specifies the following in adopted §25.60(c)(3): "An entity that owns a transmission or distribution facility in an area that TDEM determines is a wildfire risk area must file with the commission an acknowledgement of that determination as soon as practicable after the determination is made, using the control number designated by commission staff under subsection (e)(1) of this section."

Proposed §25.60(d)(4)

Proposed §25.60(d)(1) requires entities to include in their notices of intent to file an application for approval of a wildfire mitigation plan the approximate number of customers served by the entity and the approximate number of transmission and distribution customers located in the entity's wildfire risk area(s).

AEP Companies asserted that entities that do not possess or maintain records of distribution customers should be exempt from the requirement in proposed §25.60(d)(4). Accordingly, AEP Companies recommended that the commission revise proposed §25.60(d)(4) to clarify that it "applies only to entities with access to the specified customer data." AEP Companies provided redlines consistent with its recommendation.

Commission Response

The commission agrees with AEP Companies and specifies in adopted §25.60(e)(2)(C) that entities must provide the specified customer data, if applicable.

Proposed §25.60(e)

Proposed §25.60(e) establishes the required contents of entities' applications for approval of a wildfire mitigation plan.

LCRA recommended that the commission delete the first sentence of proposed §25.60(e), which provides that an entity's application for approval of a wildfire mitigation plan must comply with proposed §25.60(e), because "it is not necessary to remind readers of the rule that compliance is required."

Commission Response

The commission agrees with LCRA and excludes this language from adopted §25.60(f).

Proposed §25.60(e)(1)(A)(iii)

Proposed §25.60(e)(1)(A)(iii) provides that entities must include in their applications' executive summary or comprehensive chart a description and map of each area of this state to which the entity provides transmission or distribution service that is in a wildfire risk area and a description of how the entity identified each wildfire risk area.

PEC recommended that the commission revise proposed §25.60(e)(1)(A)(iii) to specify that entities may use the Texas

A&M Texas Wildfire Risk Assessment Portal, or "other methods...if justified by the entity," to identify wildfire risk areas in their service territory. PEC provided redlines according to its recommendation.

Commission Response

The commission declines to modify proposed §25.60(e)(1)(A)(iii) to specify that an entity may only use the Texas A&M Texas Wildfire Risk Assessment Portal to make wildfire risk area determinations, unless it justifies other methods of determination, as recommended by PEC. PURA §38.080 does not provide the commission with authority over wildfire risk area determinations. Similarly, it does not require an entity to justify its wildfire risk area determinations to the commission. Accordingly, it would be inappropriate for the commission to impose such requirements in adopted §25.60.

Proposed §25.60(e)(1)(A)(iv)

Proposed §25.60(e)(1)(A)(iv) provides that entities must include in their applications' executive summary or comprehensive chart a description of the entity's history with wildfire in its service territory for the preceding 15 years, including the date, implicated TDEM disaster districts, and known impacts of each wildfire to life, property, and the entity's infrastructure.

LCRA expressed concern on the length and scope of reporting required under proposed §25.60(e)(1)(A)(iv). LCRA asserted that it would be "an extremely onerous undertaking" for entities to provide a description of their history with wildfire in their service territory for the preceding 15 years, as required by proposed §25.60(e)(1)(A)(iv). LCRA further asserted that, for entities, meeting this requirement is "made even more arduous by the vague language in the rule requesting a description of impacts of each fire on life and property." LCRA explained that "it is likely that utility records do not go back fifteen years, and even more likely that what records a utility does have will only relate to the utility's infrastructure and will not summarize the impacts to life and property damage at large." LCRA further explained that LCRA itself only records and retains data on outages and damages that were sustained by its assets dating four years back and "is not in a position to provide any information related to the impacts of a wildfire beyond the damage to its own facilities." Accordingly, LCRA recommended that the commission revise proposed §25.60(e)(1)(A)(iv) by scaling the 'preceding 15 years' requirement down to four years and removing 'known impacts of each wildfire to life, property' from the scope of reporting. LCRA provided redlines according to its recommendations. Additionally, LCRA recommended that, rather than requiring each entity to provide a "patchwork of information" through their wildfire mitigation plans, the commission engage TDEM to provide "its recorded history" to gain a comprehensive picture of wildfires in the state.

TEC expressed concern that the breadth of reporting required under proposed §25.60(e)(1)(A)(iv) would produce an impractical result, given the expansive definition of 'wildfire' under proposed §25.60(b)(2). TEC asserted that, because it is "outside the expertise and knowledge of the utility to track and monitor every occurrence of wildfire" and entities may not have information responsive to this requirement, entities should not be required to "create such records." Accordingly, TEC recommended that the commission revise proposed §25.60(e)(1)(A)(iv) to only require "a description of recorded wildfires that affected or were impacted by the entity's infrastructure within the entity's service territory, if applicable, for the preceding 10 years, including the

date, impacted TDEM disaster districts, and known impacts of each wildfire to life, property, and the entity's infrastructure."

TPPA posed three recommendations on proposed §25.60(e)(1)(A)(iv). First, TPPA recommended that the commission clarify whether entities are required to report all wildfires that have occurred in their service territory in the preceding 15 years, or only those wildfires that impacted the entity's infrastructure. Second, TPPA recommended that the commission revise proposed §25.60(e)(1)(A)(iv) to clarify that entities operating facilities in a service territory for fewer than 15 years are only required to report wildfire history for the years in which it has operated those facilities in that territory. Last, TPPA recommended that the commission revise proposed §25.60(e)(1)(A)(iv) to limit the scope of reporting to only wildfires occurring in the area for which the utility seeks a mitigation plan, rather than the entire service territory.

TNMP asserted that it is "uncommon for a utility to maintain records of wildfire events for such a long period of time." Accordingly, TNMP recommended that the commission revise proposed §25.60(e)(1)(A)(iv) to establish a "more reasonable" five to eight years standard. TNMP further recommended that the commission revise proposed §25.60(e)(1)(A)(iv) to qualify that entities must only report information "to the extent known or available." TNMP asserted that this qualifier would make the requirement "more practicable and attainable" and alleviate concerns about retroactive rulemaking.

PEC noted that it does not currently maintain the information required by proposed §25.60(e)(1)(A)(iv) and asserted that "it will be difficult to ensure that all utilities are reporting historical information in the same way, as to date there has been no rule requiring electric cooperatives to maintain such data." Instead, PEC recommended that the commission revise proposed §25.60(e)(1)(A)(iv) to specify that entities should utilize historical wildfire information available from the Texas A&M Texas Wildfire Risk Assessment Portal for the past 10 years. PEC provided redlines according to its recommendations.

Entergy recommended that the commission delete the requirement in proposed §25.60(e)(1)(A)(iv) because "the executive summary or comprehensive chart should provide a high-level overview of the key components of the utility's wildfire mitigation plan." Alternatively, if the requirement is retained in the adopted rule, Entergy recommended that the commission move the requirement from proposed §25.60(e)(1)(A) to proposed §25.60(e)(1)(B) and reduce the scope of required information from 15 years to five years. Entergy asserted that because "environmental and physical conditions that create a greater risk for wildfires are constantly changing...the 15-year requirement could require utilities to provide dated information that is not helpful or relevant."

Oncor asserted that the information required by proposed §25.60(e)(1)(A)(iv) is "not readily available" and that, in order to comply with proposed §25.60(e)(1)(A)(iv), entities "would likely need to file public information requests with TDEM and other entities to obtain information relating to each of the...required datapoints." Accordingly, Oncor recommended the commission delete the references to specific datapoints in proposed §25.60(e)(1)(A)(iv) and instead provide for the inclusion of a "general, high-level summary of the utility's knowledge of the history of wildfires in its service territory." Additionally, Oncor recommended that the commission reduce the scope of information required under proposed §25.60(e)(1)(A)(iv) from 15

years to five years. Oncor provided redlines consistent with its recommendations.

SPS recommended that the commission remove the 15-year reporting standard from proposed §25.60(e)(1)(A)(iv) and instead specify that entities may provide the required information "to the extent available." SPS argued that PURA §38.080 is "silent on the length of historical wildfire descriptions for a service territory" and that, while data collection related to wildfire mitigation activities in Texas has improved over time, entities may possess only general, less detailed information for any fires going back further than several years. SPS also argued that, if the commission finds an entity's wildfire history to be insufficiently detailed, the commission has the statutory authority to reject their application.

Commission Response

The commission agrees with commenters that the wildfire history requirement in proposed §25.60(e)(1)(A)(iv) is overly burdensome and instead requires an entity to include the following in its executive summary under adopted §25.60(f)(2)(A)(iv): "A description of wildfires that impacted or were caused by the entity's infrastructure in its wildfire risk area(s) in the preceding 10 years, or to the extent known or available, including the date, implicated TDEM disaster districts, and known impacts of each wildfire to the entity's infrastructure."

Proposed §25.60(e)(1)(B)(i)-(vii)

Proposed §25.60(e)(1)(B)(i)-(vii) establish the required contents of entities' wildfire mitigation plans.

AEP Companies asserted that proposed §25.60(e)(1)(B)(i) through (vii) impose "non-statutory requirements that exceed the scope of PURA §38.080(b), such as prescriptive technology mandates, historical data beyond statutory intent, and mapping methodology requirements." Accordingly, AEP Companies recommended that the commission replace proposed §25.60(e)(1)(B)(i) through (vii) with the statutory language in PURA §38.080(b)(1) through (11).

Commission Response

The commission declines to replace proposed §25.60(e)(1)(B)(i) through (vii) with the language in PURA §39.080(b)(1) through (11) as recommended by AEP Companies. PURA §38.080(b)(11) provides that an entity must include in its wildfire mitigation plans "any other information the commission may require." The commission has determined that the requirements in adopted §25.60(f)(2)(B) are necessary for the commission to assess the public interest of an entity's wildfire mitigation plan.

Proposed §25.60(e)(1)(B)(ii)

Proposed §25.60(e)(1)(B)(ii) requires entities to include in their wildfire mitigation plans a detailed plan for vegetation management.

Entergy recommended that the commission revise proposed §25.60(e)(1)(B)(ii) to specify that the requirement may be satisfied by a cross-reference to an entity's annual vegetation management plan, as required by 16 TAC §25.96, relating to Vegetation Management.

Commission Response

The commission declines to modify proposed §25.60(e)(1)(B)(ii) to specify that the requirement may be satisfied by a cross-reference to an entity's annual vegetation management plan as recommended by Entergy because it is unnecessary. Adopted §25.60(f)(3) specifies how an entity may use other substantially

similar information to meet the wildfire mitigation plan requirements under adopted §25.60(f)(2)(B).

Proposed §25.60(e)(1)(B)(iv)

Proposed §25.60(e)(1)(B)(iv) requires entities to include in their wildfire mitigation plans a detailed operations plan for responding to a wildfire in the entities' wildfire risk area(s).

TPPA recommended that the commission delete proposed §25.60(e)(1)(B)(iv) from the adopted rule because "the requirement improperly conflates mitigation with emergency operations." TPPA asserted that wildfire mitigation plans should be focused on preventative measures, not response measures.

Commission Response

The commission declines to delete proposed §25.60(e)(1)(B)(iv) as recommended by TPPA because PURA §38.080(b)(3) expressly requires an entity's wildfire mitigation plan to include "a detailed operations plan for reducing the likelihood of wildfire ignition from the utility's or cooperative's facilities and for responding to a wildfire" (emphasis added). However, to better reflect the language of PURA §38.080(b)(3), the commission combines the requirements of proposed (e)(1)(B)(iii) and (iv) into adopted §25.60(f)(2)(B)(iii).

Proposed §25.60(e)(1)(B)(iv) and (v)

Proposed §25.60(e)(1)(B)(iv) requires entities to include in their wildfire mitigation plans a detailed operations plan for responding to a wildfire in the entities' wildfire risk area(s). Proposed §25.60(e)(1)(B)(v) requires entities to include in their wildfire mitigation plans a description of the procedures the entity intends to use to restore its system during and after a wildfire, including contact information for the entity that may be used for coordination with TDEM and first responders.

Entergy requested that the commission clarify the difference between 'a detailed operations plan for responding to a wildfire in the utility's identified wildfire risk area(s),' as required by proposed §25.60(e)(1)(B)(iv), and 'a description of the procedures that the utility intends to use to restore its system during and after a wildfire,' as required by proposed §25.60(e)(1)(B)(v).

Commission Response

The commission combines the requirements of proposed (e)(1)(B)(iii) and (iv) into adopted §25.60(f)(2)(B)(iii) to better reflect the language of PURA §38.080(b)(3).

The commission clarifies that the difference between the requirements is a sequencing one. The mitigation and response procedures under adopted §25.60(f)(2)(B)(iii) correspond to before and during a wildfire event, while the system restoration procedures under adopted §25.60(f)(2)(B)(iv) correspond to during and following a wildfire event.

Proposed §25.60(e)(1)(B)(vi)

Proposed §25.60(e)(1)(B)(vi) requires entities to include in their wildfire mitigation plans a community outreach and public awareness plan regarding wildfire risks and actual wildfires affecting the entity's service territory or system, including a specific communications plan for responding to a wildfire.

PEC noted that the requirement under proposed §25.60(e)(1)(B)(vi) may duplicate existing requirements for emergency operations plan filings. PEC recommended that the commission revise proposed §25.60(e)(1)(B)(vi) to specify that entities with existing community outreach and public awareness

plans, as included in their emergency operations plans, should provide a copy of those existing plans.

Commission Response

The commission declines to modify proposed §25.60(e)(1)(B)(vi) to require an entity to submit any existing community outreach and public awareness plans from its emergency operations plan, as recommended by PEC, because it is unnecessary. Adopted §25.60(f)(3) specifies that an entity may use substantially similar information required under other law to fulfill the wildfire mitigation plan requirements under adopted §25.60(f)(2)(B).

Proposed §25.60(e)(1)(B)(vii)

Proposed §25.60(e)(1)(B)(vii) requires entities to include in their wildfire mitigation plans a description of the entity's procedures for de-energizing power lines and disabling reclosers or implementing a public safety power shut-off plan to mitigate for potential wildfires, including, if applicable, a description of the entity's procedures for coordinating with its regional transmission organization, independent system operator, or other reliability coordinator.

TEC expressed concern that proposed §25.60(e)(1)(B)(vii) would require entities to file "a set process" with the commission regarding how they will de-energize lines, disable reclosers, and implement a public safety power shut-off (PSPS) plan to mitigate for potential wildfires. TEC argued that having a set process on-file with the commission is problematic because, if approved, it would "bind" the way entities respond to actual wildfire events and discourage entities from utilizing processes that are more effective or applicable to the event at-hand for fear of losing their liability protection. TEC further argued that, as a general matter, the procedures under proposed §25.60(e)(1)(B)(vii) implicate a "drastic measure" and the adopted rule "should not imply any expectation that end users will be removed from service." TEC asserted that, if entities do activate the procedures under proposed §25.60(e)(1)(B)(vii), it "can only be made based on the unique circumstances present at the local level" and there must be coordination between all relevant entities, including between the filing entities, transmission operators, and local distribution service providers. Accordingly, TEC recommended that the commission revise proposed §25.60(e)(1)(B)(vii) to remove the requirement for entities to describe their procedures for de-energizing lines, disabling reclosers, and implementing a PSPS plan, and instead provide that entities should describe their procedures for "coordinating with its local distribution providers or transmission operator, as applicable, and its regional transmission organization, independent system operator, or other reliability coordinator."

TPPA noted that proposed §25.60(e)(1)(B)(vii) implicates two different planning processes--the Enhanced Powerline Safety Settings (EPSS) process and the PSPS planning process--both of which often require substantial capital investment and, if activated, can result in broader public impacts. TPPA further noted that, to its knowledge, neither EPSS nor PSPS processes are currently used within ERCOT. Accordingly, TPPA recommended that the commission clarify its expectations on the level of detail required for entities to comply with proposed §25.60(e)(1)(B)(vii) by adding the following sentence: "The entity's procedures for deenergizing power lines and disabling reclosers or implementing a public safety power shut-off plan will be sufficient if the entity provides a description of the utility's plan for ensuring its facilities will not be re-energized inappropriately in the event that a wildfire disables power to those facilities."

Golden Spread expressed two concerns on proposed §25.60(e)(1)(B)(vii). First, Golden Spread expressed its concern that proposed §25.60(e)(1)(B)(vii) doesn't specify that transmission service providers should include "procedures for coordinating with distribution service providers, such as electric cooperatives, served by affected transmission lines before their de-energization occurs." Second, Golden Spread expressed its concern that proposed §25.60(e)(1)(B)(vii) could be interpreted to require entities to "de-energize or disable a facility" even when it would be "inappropriate for public safety or could exacerbate a wildfire situation." Accordingly, Golden Spread recommended that the commission revise proposed §25.60(e)(1)(B)(vii) to specify that entities should include a description of their procedures for de-energizing power lines and disabling reclosures or implementing a public safety power shut-off, a description of the "situations in which it may implement such procedures," and, if applicable, their procedures for coordinating with "a distribution service provider served by an affected transmission facility" and its regional transmission organization, independent system operator, or other reliability coordinator.

PEC recommended that the commission revise proposed §25.60(e)(1)(B)(vii) to clarify that "the required description of de-energization or recloser procedures may be more general rather than specific in nature, given that there may be security and other confidentiality concerns associated with publicly disclosing detailed descriptions of such matters." Further, PEC asserted that requiring all entities to implement a public safety power shut-off plan "may not be operationally feasible or prudent...in all cases" and recommended that the commission revise proposed §25.60(e)(1)(B)(vii) to clarify that "plans are not required to include a public safety power shut-off plan...to obtain approval, but may instead implement other types of de-energization and reclosure procedures as a reasonable wildfire mitigation measure."

Cross Texas recommended that the commission revise proposed §25.60(e)(1)(B)(vii) to clarify that, "to the extent an entity operates transmission facilities, then with respect to those transmission facilities, the entity shall satisfy this requirement by complying with the procedures of the relevant regional transmission organization, independent system operator, or other reliability coordinator."

Commission Response

The commission agrees with commenters that recommended that an entity should not be required to develop or implement a PSPS plan. A PSPS is a high-impact measure that is not suitable or practicable for all entities to implement. Accordingly, in developing a plan for approval, an entity should consider whether the development of a PSPS plan is appropriate relative to its individual system characteristics and wildfire risks. For organizational purposes, the commission redesignates proposed §25.60(e)(1)(B)(vii) as adopted §25.60(f)(2)(B)(vi) and revises the requirement to provide that an entity must provide a description of procedures to de-energize power lines and disable reclosers to either mitigate for potential wildfires or implement a PSPS.

Additionally, the commission agrees with commenters that an entity's procedures under proposed §25.60(e)(1)(B)(vii) should additionally address how it intends to coordinate with transmission operators and distribution service providers and revises adopted §25.60(f)(2)(B)(vi) accordingly.

The commission disagrees with TPPA's and PEC's recommendations to allow for more generalized statements rather than a complete description of the procedures to de-energize power lines or disable reclosers. An entity must consider its unique circumstances when developing a procedure to ensure it appropriately conforms with its system characteristics and addresses its unique wildfire risks. Accordingly, the commission declines to make the recommended changes to the proposed rule.

Similarly, the commission disagrees with Cross Texas' recommendation to allow an entity to simply conform its procedures under adopted §25.60(f)(2)(B)(vi) to follow the procedures of the applicable regional transmission operator, independent system operator, or reliability coordinator. These entities are responsible for the coordination of transmission facility operation across an entire power region and, as such, their procedures will not inherently address the local issues that any individual electric utility, municipally owned utility, or electric cooperative may face when confronting a wildfire. Accordingly, the commission declines to make the recommended changes to the proposed rule.

Proposed §25.60(e)(1)(C)

Proposed §25.60(e)(1)(C) requires entities to include in their applications for approval of a wildfire mitigation plan an analysis of their wildfire mitigation plans prepared by an independent expert in fire risk mitigation.

TNMP recommended that the commission revise proposed §25.60(e)(1)(C) to allow for the involvement of more than one independent expert's analysis "to the extent necessary to provide a sufficient detailed assessment of adequacy and appropriateness of the entity's plan." TNMP asserted that "more than one expert may be needed to address varying wildfire risks and best practices" in entities' wildfire mitigation plans and that, allowing entities to use multiple experts, as necessary, would "ensure plans are adequately tailored to each entity's specific conditions."

Commission Response

The commission agrees with TNMP and specifies the following in adopted §25.60(f)(2)(C)(i): "Qualifications may be met in aggregate by a team of multiple independent experts, each with different areas of expertise, provided that each independent expert has not less than five years of relevant professional experience and the team designates a lead independent expert to be responsible for preparing the analysis."

Golden Spread expressed concern that, due to a "limited pool of qualified experts, especially in rural Texas," compliance with proposed §25.60(e)(1)(C) may be "difficult" or result in "disproportionate costs" for entities that are smaller in size. Accordingly, Golden Spread recommended that the commission revise proposed §25.60(e)(1)(C) to specify that "an appropriately trained person associated with a volunteer fire department" may qualify as an independent expert in fire risk mitigation. Golden Spread argued that, because "in rural Texas, fire safety and response is often provided by volunteer fire departments" and "volunteers undergo fire training or have experience tailored to the fire risks in their region," its recommendation provides a "mutually beneficial solution" that would "improve the availability of independent experts and have the added benefit of supporting volunteer fire departments that frequently face funding challenges."

Commission Response

The commission declines to modify proposed §25.60(e)(1)(C) to specify that a volunteer fire department member may qualify

as an independent expert as recommended by Golden Spread. Instead, the commission clarifies that a volunteer fire department member may serve as an independent expert if they meet the requirements of adopted §25.60(f)(2)(C) and are able to provide supporting documentation of that fact.

AEP Companies asserted that the requirements in proposed §25.60(e)(1)(C) exceed statutory authority. Accordingly, AEP Companies recommended that the commission delete proposed §25.60(e)(1)(C)(i) through (iii) from the adopted rule and revise the language in proposed §25.60(e)(1)(C) to specify that an independent expert's analysis of an entity's wildfire mitigation plan should evaluate the adequacy of the plan relative to identified wildfire risks. AEP Companies provided redlines consistent with its recommendation.

Commission Response

The commission declines to delete proposed §25.60(e)(1)(C)(i) through (iii) and revise proposed §25.60(e)(1)(C) to specify that an independent expert's analysis of an entity's wildfire mitigation plan should evaluate the adequacy of the plan relative to identified wildfire risks as recommended by AEP Companies. PURA §38.080(b)(11) provides that an entity must include in its wildfire mitigation plans "any other information the commission may require." The commission has determined that the information to be furnished by an independent expert under adopted §25.60(f)(2)(C)(ii) is necessary for the commission to assess the public interest of an entity's wildfire mitigation plan.

Proposed §25.60(e)(1)(C)(i)

Proposed §25.60(e)(1)(C)(i) requires the analyses of entities' wildfire mitigation plans prepared by independent experts to include a description of the independent experts' qualifications and expertise relative to fire risk mitigation.

CenterPoint recommended that the commission revise proposed §25.60(e)(1)(C)(i) to specify that independent experts must include in their analyses of entity wildfire mitigation plans a description of their qualifications and expertise relative to fire risk mitigation "in the electric utility industry." CenterPoint provided redlines in accordance with its recommendation.

Commission Response

The commission agrees with CenterPoint and specifies in adopted §25.60(f)(2)(C) that an independent expert must have not less than five years of professional experience in electric utility fire risk mitigation, including in wildfire operations, electric transmission and distribution operations, and risk analysis methods. Further, the commission specifies in adopted §25.60(f)(2)(C)(ii)(I) that an independent expert's analysis must include "supporting documentation that the independent expert meets the required qualifications and an attestation that the independent expert was not involved in designing the entity's wildfire mitigation plan or its component programs."

Entergy recommended that the commission to revise proposed §25.60(e)(1)(C)(i) to "provide clear criteria" for who qualifies as an independent expert in fire risk mitigation, such as required academic degrees or certifications, years of professional experience specifically related to wildfire risk analysis or mitigation, or demonstrated familiarity with current wildfire mitigation technologies and practices.

Commission Response

The commission agrees with Entergy and specifies in adopted §25.60(f)(2)(C) that an independent expert must have not less

than five years of professional experience in electric utility fire risk mitigation, including in wildfire operations, electric transmission and distribution operations, and risk analysis methods. Further, the commission specifies in adopted §25.60(f)(2)(C)(ii)(I) that an independent expert's analysis must include "supporting documentation that the independent expert meets the required qualifications and an attestation that the independent expert was not involved in designing the entity's wildfire mitigation plan or its component programs."

Proposed §25.60(e)(1)(C)(iii)

Proposed §25.60(e)(1)(C)(iii) requires the analyses of entities' wildfire mitigation plans prepared by independent experts to include a detailed assessment of adequacy and appropriateness of the contents of the plans, relative to the risks in entities' wildfire risk area(s), industry standards and best practices, and any available alternative wildfire mitigation measures.

SPS recommended that the commission remove the phrase 'adequacy and appropriateness' from proposed §25.60(e)(1)(C)(iii) and provided two supporting reasons. First, SPS asserted that, "in the litigious environment of wildfire mitigation, independent experts may be cautious about assuming any liability for future wildfire events, and therefore unwilling to attest that an entity's proposed plan is 'adequate and appropriate' to mitigate the risk of catastrophic wildfire." Second, SPS asserted that PURA §38.080 requires only 'an analysis of the wildfire mitigation plan' and does not require an adequacy determination.

Commission Response

The commission disagrees with SPS' assertions that PURA §38.080 does not provide for an independent expert to assess the adequacy or appropriateness of an entity's wildfire mitigation plan or that an independent expert would be exposed to liability risk by doing so. Under PURA §38.080(b)(7), an entity's wildfire mitigation plan must include "an analysis of the...plan prepared by an independent expert in fire risk mitigation" (emphasis added). Certainly, the Legislature would not have included this requirement in PURA §38.080 if it did not intend for the independent expert to assess the adequacy and appropriateness of the entity's plan, relative to fire risk mitigation, or if doing so would expose the independent expert to liability risk.

PEC asserted that the commission's public interest determination under proposed §25.60(f)(4) "may turn in part on the cost of implementing wildfire mitigation measures relative to their benefit or relative to other, less costly mitigation measures." Accordingly, PEC recommended that the commission revise proposed §25.60(e)(1)(C)(iii) to specify that an independent expert's assessment of the adequacy and appropriateness of an entity's wildfire mitigation plan may include, as appropriate, a cost-benefit or cost comparison analysis.

Commission Response

The commission declines to modify proposed §25.60(e)(1)(C)(iii) to specify that an independent expert's assessment may include a cost-benefit or cost comparison analysis as recommended by PEC because it is unnecessary. Under adopted §25.60(f)(2)(C)(ii)(II), the independent expert's analysis must include "a description of the independent expert's methodology for analyzing the entity's wildfire mitigation plan." An independent expert is not restricted from including a cost-benefit or cost comparison analysis as part of this methodology.

Entergy asserted that the lack of established standards or benchmarks in proposed §25.60(e)(1)(C)(iii) poses questions

and concerns around the uniformity and accountability of independent experts' assessments of the adequacy and appropriateness of entities' wildfire mitigation plans. Accordingly, Entergy recommended that the commission revise proposed §25.60(e)(1)(C)(iii) to "either reference specific standards or require that the expert explicitly identify the standards and best practices they are using in their review." Additionally, Entergy asserted that "the standards should adequately differ between different levels of wildfire risk and geographic regions."

Commission Response

The commission declines to modify proposed §25.60(e)(1)(C)(iii) to reference specific assessment standards as recommended by Entergy because it would inappropriately suggest an independent expert must rely on any one framework.

The commission also declines to modify proposed §25.60(e)(1)(C)(iii) to require an independent expert to specify the assessment standards or best practices they employed as recommended by Entergy because it is unnecessary. Adopted §25.60(f)(2)(C)(ii)(II) requires an independent expert's analysis to include a description of the independent expert's analysis methodology.

LCRA asserted that any alternative wildfire mitigation measures suggested by an entity's independent expert in fire risk mitigation under proposed §25.60(e)(1)(C)(iii) must be limited to those that are deemed 'reasonable.' Accordingly, LCRA recommended that the commission revise proposed §25.60(e)(1)(C)(iii) by replacing the reference to 'available' with 'reasonable.'

Commission Response

The commission agrees with LCRA and specifies in adopted §25.60(f)(2)(C)(ii)(III) that an independent expert must consider "any reasonable alternative wildfire mitigation measures" when assessing the adequacy and appropriateness of an entity's wildfire mitigation plan.

Oncor recommended that the commission delete the phrase 'and any available alternative wildfire mitigation measures' from proposed §25.60(e)(1)(C)(iii). Oncor argued that requiring independent experts to consider 'any available alternative...measures' could have a "limited usefulness in broad application to all utilities" because "the alternative measure identified by the independent expert, while useful for one utility and its unique service territory, may not be the best measure for a utility with a service area that covers a more varied geographic and climate region." Alternatively, if this consideration is retained in the adopted rule, Oncor recommended that the commission make it optional, rather than required, for independent experts.

Commission Response

The commission declines to modify proposed §25.60(e)(1)(C)(iii) to eliminate or make an independent expert's consideration of alternative wildfire mitigation measures optional as recommended by Oncor. However, to clarify the intent of the requirement, the commission replaces 'available' with 'reasonable' in adopted §25.60(f)(2)(C)(ii)(III).

New §25.60(e)(1)(C)(iv)

SPS asserted that, in order to comply with proposed §25.60(e)(1)(C), entities will incur costs that do not fall clearly under existing cost recovery mechanisms. Accordingly, SPS recommended that the commission add new §25.60(e)(1)(C)(iv) to establish how electric utilities should request recovery of costs that are associated with retaining an independent expert

or developing an approved wildfire mitigation plan. SPS posed a primary and alternative version of new §25.60(e)(1)(C)(iv) and requested that, at minimum, the commission adopt the alternative version. SPS' primary version of new §25.60(e)(1)(C)(iv) would provide that electric utilities may request recovery for costs associated with an approved plan that are not otherwise included in the utility's rates through a rider, interim rate proceeding, base-rate proceeding, or as a regulatory asset that includes associated depreciation expense and carrying costs at the utility's weighted average cost of capital as established in the utility's most recent base-rate proceeding. SPS' alternative version of new §25.60(e)(1)(C)(iv) would provide that electric utilities may request recovery for costs associated with the independent expert or other costs associated with developing an approved plan through their next base-rate proceeding."

Commission Response

The commission declines to adopt SPS's recommended changes because cost recovery issues, beyond the limited issues related to self-insurance plans, are beyond the scope of this rulemaking project.

Proposed §25.60(e)(1)(E)

Proposed §25.60(e)(1)(E) requires entities to include in their applications for approval of a wildfire mitigation plan any reports, plans, or other information that they determine are relevant to their wildfire mitigation efforts and would assist the commission in making a public interest determination on their wildfire mitigation plans. Proposed §25.60(e)(1)(E) further requires entities to file those reports, plans, or other information in their entirety and include a summary of how the reports, plans, or other information relate to, or impact, their wildfire mitigation efforts.

Entergy recommended that the commission revise proposed §25.60(e)(1)(E) to specify that "a cross-reference to the filed reports" is sufficient.

AEP Companies recommended that the commission revise proposed §25.60(e)(1)(E) to provide that entities may include "a citation of these reports with a brief summary explaining their similarity and applicability with the full documents available upon request."

Commission Response

The commission has determined that it is appropriate for an entity to file all application materials in their entirety. Accordingly, the commission declines to remove the comprehensive filing requirement from proposed §25.60(e)(1)(E)--or adopted §25.60(f)(2)(D)(ii)--as recommended by Entergy and AEP Companies.

Proposed §25.60(e)(2)

Proposed §25.60(e)(2) provides that entities may submit any information required under other law that is substantially similar to the information that entities are required to include in their wildfire mitigation plans. Proposed §25.60(e)(2) further provides that entities must clearly identify in their wildfire mitigation plans the requirement the submitted information is intended to fulfill and include a description of why they believe the submitted information is substantially similar to that requirement.

LCRA recommended that the commission revise proposed §25.60(e)(2) to allow entities to provide cross-references to other existing reports--such as storm hardening plans and emergency operations plans--in their wildfire mitigation plans,

rather than requiring entities to produce "a compilation of distinct plans for the singular purpose of meeting this rule."

Commission Response

The commission has determined that it is appropriate for an entity to file all application materials in their entirety. Accordingly, the commission declines to revise the comprehensive filing requirement in proposed §25.60(e)(2) as recommended by LCRA.

Proposed §25.60(e)(4)

Proposed §25.60(e)(4) provides that entities may designate portions of their applications for approval of a wildfire mitigation plan, including portions of its plan, as critical energy infrastructure information, as defined by applicable law, and file such portions confidentially.

TPPA recommended that the commission revise proposed §25.60(e)(4) to allow entities to file their entire applications--including any attachments--as confidential, with the exception of the executive summary. TPPA further recommended that, at a minimum, the commission revise proposed §25.60(e)(3) to extend confidential treatment to competitively sensitive information.

Entergy recommended that the commission revise proposed §25.60(e)(4) to allow information other than critical energy infrastructure information, such as 'contact information for the utility that may be used for coordination with TDEM and first responders' as implicated by proposed §25.60(e)(1)(B)(iv), to be filed confidentially.

Oncor recommended that the commission revise proposed §25.60(e)(4) to allow information other than critical energy infrastructure information, such as proprietary business and financial information, to be designated and filed confidentially. Oncor provided redlines consistent with its recommendation.

Commission Response

In order to minimize conflict between §25.60 and other existing rule language relating to the confidential treatment of information, the commission deletes this provision in its entirety.

Proposed §25.60(f)

Proposed §25.60(f) establishes how the commission will process entities' applications for approval of a wildfire mitigation plan.

TEC recommended that the commission revise proposed §25.60(f) to provide that wildfire mitigation plans will be processed on an "administrative basis," rather than as contested cases because there is no element of rate recovery or actions with significant rate impacts. TEC noted that smaller electric cooperatives would be burdened by the costs associated with contested case process.

TPPA expressed its concern that proposed §25.60(f) provides that wildfire mitigation plans will be processed as contested cases, given that "contested cases require significant time and expense, and litigating each plan could cost entities hundreds of thousands of dollars, resources that would otherwise be available for actual wildfire mitigation measures."

Golden Spread asserted its opposition to the commission processing electric cooperatives' wildfire mitigation plans as contested cases and provided three primary reasons. First, Golden Spread asserted that, while HB 145 directs the Commission to approve wildfire mitigation plans within 180 days if they are in the public interest, it "does not contemplate a con-

tested case process" and "the public interest finding does not require a contested case, at least not for electric cooperatives." Second, Golden Spread asserted that it is "not appropriate" for the commission to process electric cooperatives' wildfire mitigation plans as contested cases because there are "different statutory context and jurisdictional limitations that preclude a contested case process for electric cooperatives." Last, Golden Spread asserted that requiring electric cooperatives to engage in contested cases would impose "significant" financial burdens on small, rural electric cooperatives and their members, especially if required to obtain plan reapproval every three years as provided by §25.60(c)(2)(C). Accordingly, Golden Spread recommended that the commission "adopt a more efficient procedural mechanism to process wildfire mitigation plans for electric cooperatives, like that used for processing emergency operations plans."

Commission Response

The commission declines to modify proposed §25.60(f), as it relates to the contested case process, as recommended by several commenters. A contested case proceeding is one in which, according to 16 TAC §22.2(16), a state agency determines the legal rights, duties, or privileges of a party after an opportunity for adjudicative hearing. In this instance, the commission will determine an entity's rights and obligations by approving, modifying, or rejecting an application for approval of a wildfire mitigation plan. For example, under PURA §38.080(d), an entity must implement and adhere to its approved plan or be subject to administrative enforcement action. Therefore, a contested case proceeding is the appropriate procedural paradigm for the commission to follow.

Proposed §25.60(f)(1)

Proposed §25.60(f)(1) requires entities to provide, not later than the working day following their filing of an application for approval of a wildfire mitigation plan, notice of filing and 30-day intervention deadline to all municipalities in the entities' service areas that have retained original jurisdiction, all parties in the entities' most recent base-rate proceedings, the Office of Public Utility Counsel, and the entities' regional transmission operators, independent system operators, or other reliability coordinators.

LCRA commented that it "fails to see any need to open the door to intervenors for approval of the WMPs" and asserted that "there are no benefits to be gained in extending participation beyond the applicant and Commission Staff as there is no cost recovery associated with the WMP, and any costs incurred in implementing the plan would be reviewed during the entity's rate case." LCRA additionally asserted that the resources expended by entities and intervenors will be substantial, particularly because "independent experts are required and preparation is burdensome." Accordingly, LCRA recommended that the commission delete proposed §25.60(f)(1) from the adopted rule.

Golden Spread argued that the notice of filing and intervention requirements under proposed §25.60(f)(1) "cannot and should not apply to electric cooperatives" because the requirements "appear to be based on ratemaking requirements for entities other than electric cooperatives" and are "not appropriate or necessary to determine that an electric cooperative's plan meets the requirements of HB 145." Accordingly, Golden Spread recommended that the commission revise proposed §25.60(f)(1) to recuse electric cooperatives and municipally owned utilities from providing a notice of filing to any party and provide that interven-

tion in electric cooperatives' wildfire mitigation plan cases is not permitted.

TPPA recommended that, if wildfire mitigation plans are to be processed as contested cases under the adopted rule, the commission revise proposed §25.60(f)(1) to limit participation in the contested cases to the commission, OPUC, TDEM, the filing entity's independent system operator, and the filing entity.

Commission Response

The commission declines to delete proposed §25.60(f)(1) as recommended by LCRA or limit participation in the proceedings as recommended by TPPA. Whether an entity recognizes the benefits of public participation in a proceeding to review a proposed wildfire mitigation plan, those with justiciable interests are largely afforded the opportunity to intervene in contested case proceedings. See 16 Tex. Admin. Code §22.103(b). The commission recognizes that parties beyond the filing entity and commission staff may have interests that are adversely affected by the commission's decision and, therefore, should have the opportunity to participate in the proceeding.

The commission disagrees with Golden Spread's assertions that the notice and intervention requirements do not apply to electric cooperatives because the requirements appear to be based on ratemaking requirements. First, whether the requirements in this rule bear similarities to other rules adopted by the commission has no bearing on the legality of adopting the requirements in this order. Second, the commission must determine whether a proposed wildfire mitigation plan is in the public interest. See PURA §38.080(c). This public interest test applies equally to applications filed by electric utilities, municipally owned utilities, and electric cooperatives. As a result, it stands to reason that those with a justiciable interest – irrespective of which type of entity provides them with electric service – should be entitled to participate in the commission's proceeding. Therefore, the commission finds it reasonable that notice of the filing of the application for approval and of the intervention deadline should be required. Thus, the commission declines to make a special exception exempting electric cooperatives from providing notice of filing and the intervention deadline.

OPUC noted that the 30-day intervention deadline established in proposed §25.60(f)(1) is inconsistent with the 45-day intervention deadline established in §22.104, relating to Motions to Intervene. OPUC asserted that, because no justification for deviating from this language has been presented, the 30-day intervention deadline would create confusion for the public if adopted. Accordingly, OPUC recommended that the commission extend the intervention deadline in proposed §25.60(f)(1) from 30 days to 45 days.

Commission Response

The commission declines to revise the intervention deadline in proposed §25.60(f)(1) as recommended by OPUC. Given that the commission must render a decision on an entity's application within 180 days from the date the application is filed, the commission finds it reasonable to adopt a different intervention time period for proceedings conducted under this adopted rule than what may exist for other types of proceedings that are not subject to the same rapid procedural deadline.

Proposed §25.60(f)(1)(A)

Proposed §25.60(f)(1)(A) requires entities to provide, not later than the working day following their filing of an application for approval of a wildfire mitigation plan, notice of filing and 30-day

intervention deadline to all municipalities in the entities' service areas that have retained original jurisdiction.

TEC recommended that, if plans are to be processed as contested cases under the adopted rule, the commission revise proposed §25.60(f)(1)(A) to exempt electric cooperatives from the required notice to municipalities.

Golden Spread asserted that the required notice in proposed §25.60(f)(1)(A) should not apply to electric cooperatives because Chapter 33 of PURA—which addresses original municipal jurisdiction and the surrender of original municipal jurisdiction over rates, operations, and services to the commission—applies only to 'electric utilities,' a designation from which electric cooperatives are explicitly excluded.

Cross Texas asserted that the required notice in proposed §25.60(f)(1)(A) would create "implementation challenges" and "uncertainty" for transmission-only utilities, because transmission-only utilities do not maintain retail service territories, in many cases do not traverse municipal boundaries, and are not subject to municipalities' original jurisdiction. Accordingly, Cross Texas recommended that the commission revise proposed §25.60(f)(1)(A) to require that entities are required to provide notice to all municipalities in the entity's service area that have retained original jurisdiction "to the extent the utility is subject to that municipality's original jurisdiction."

Commission Response

The commission declines to modify proposed §25.60(f)(1)(A) to exempt electric cooperatives or transmission-only utilities from providing notice to all municipalities in their service areas that have retained original jurisdiction as recommended by commenters because it is unnecessary. Proposed §25.60(f)(1)—or adopted §25.60(g)(1)—requires an entity to provide notice to certain parties as those parties apply to the entity. For example, a transmission-only utility will not have municipalities retaining original jurisdiction located in its service territory; therefore, that utility will not need to provide notice to municipalities under adopted §25.60(g)(1)(A). Thus, an entity will need to determine to which parties the notice provision applies in its specific case and serve notice in accordance with the rule.

Proposed §25.60(f)(1)(B)

Proposed §25.60(f)(1)(B) requires entities to provide, not later than the working day following their filing of an application for approval of a wildfire mitigation plan, notice of filing and 30-day intervention deadline to all parties in the entities' most recent base-rate proceedings.

TEC recommended that the commission either delete proposed §25.60(f)(1)(B) or exempt distribution-only electric cooperatives and municipally owned utilities from the requirement.

TPPA recommended the commission delete proposed §25.60(f)(1)(B) from the adopted rule. TPPA asserted that "it is not appropriate to use a rate proceeding to determine the service list for a non-rate proceeding" because "parties with an interest in a rate proceeding will not have the same interest in a wildfire mitigation plan proceeding."

Golden Spread asserted that the required notice in proposed §25.60(f)(1)(B) should not apply to electric cooperatives because "the Commission does not have jurisdiction over electric cooperative retail rates and, therefore, electric cooperatives do not file base-rate proceedings at the Commission." Golden Spread further asserted that, because electric cooperatives

have not participated in base-rate proceedings since the deregulation of the Texas electric market, "identifying, locating, and providing notice to parties from such long-closed dockets would be exceedingly difficult, if not impossible, and would serve no practical purpose given the staleness of the information."

Commission Response

The commission declines to modify proposed §25.60(f)(1)(B) to exempt electric cooperatives or municipally owned utilities from providing notice to all parties in their most recent base-rate proceeding as recommended by commenters because it is unnecessary. Proposed §25.60(f)(1)—or adopted §25.60(g)(1)—requires an entity to provide notice to certain parties as those parties apply to the entity. For example, an electric cooperative may not have had a base rate proceeding before the commission; therefore, that cooperative will not need to provide notice to those parties under adopted §25.60(g)(1)(B). Thus, an entity will need to determine to which parties the notice provision applies in its specific case and serve notice in accordance with the rule.

Proposed §25.60(f)(1)(C)

Proposed §25.60(f)(1)(C) requires entities to provide, not later than the working day following their filing of an application for approval of a wildfire mitigation plan, notice of filing and 30-day intervention deadline to the Office of Public Utility Counsel.

Golden Spread asserted that the required notice to OPUC in proposed §25.60(f)(1)(C) should not apply to electric cooperatives because "OPUC does not represent the interests of electric cooperative member-consumers in retail rate matters at the Commission, because no such matters exist." Golden Spread further asserted that "any interest OPUC may have in evaluating the reasonableness of transmission-related costs, as opposed to distribution-related costs, should be dealt with in TCOS proceedings that are designed for such an evaluation, not in wildfire mitigation plan filings" because the wildfire mitigation plan proceeding "cannot involve electric cooperative rates or other consumer issues within the exclusive jurisdiction of the electric cooperative board."

Commission Response

The commission declines to modify proposed §25.60(f)(1)(C) to exempt electric cooperatives from providing notice to OPUC as recommended by Golden Spread because it is unnecessary. Proposed §25.60(f)(1)—or adopted §25.60(g)(1)—requires an entity to provide notice to certain parties as those parties apply to the entity. For example, OPUC represents the interests of residential and small commercial customers; therefore, an entity that does not serve residential or small commercial customers will not need to provide notice to OPUC under adopted §25.60(g)(1)(C). Thus, an entity will need to determine to which parties the notice provision applies in its specific case and serve notice in accordance with the rule.

Proposed §25.60(f)(1)(D)

Proposed §25.60(f)(1)(D) requires entities to provide, not later than the working day following their filing of an application for approval of a wildfire mitigation plan, notice of filing and 30-day intervention deadline to the entities' regional transmission operators, independent system operators, or other reliability coordinators.

TEC recommended that, if plans are to be processed as contested cases under the adopted rule, the commission revise pro-

posed §25.60(f)(1) to exempt distribution-only electric cooperatives from the required notice to regional transmission operators, independent system operators, or other reliability coordinators.

Golden Spread asserted that the required notice in proposed §25.60(f)(1)(D) should not apply to distribution-only electric cooperatives, at a minimum, because they don't own transmission facilities and, accordingly, don't interact with regional transmission operators, independent system operators, or reliability coordinators.

Commission Response

The commission declines to modify proposed §25.60(f)(1)(D) to exempt distribution-only electric cooperatives from providing notice to their regional transmission operator, independent system operator, or other reliability coordinator as recommended by commenters because it is unnecessary. Proposed §25.60(f)(1)--or adopted §25.60(g)(1)--requires an entity to provide notice to certain parties as those parties apply to the entity. For example, a distribution-only utility will not have interactions with a regional transmission operator; therefore, that utility will not need to provide notice to the regional transmission operator under adopted §25.60(g)(1)(D). Thus, an entity will need to determine to which parties the notice provision applies in its specific case and serve notice in accordance with the rule.

Proposed §25.60(f)(2)

Proposed §25.60(f)(2) provides that entities' applications are sufficient if the entities have filed a notice of intent as required by proposed §25.60(d), the entities' applications include the information required by proposed §25.60(e), and the entities have filed proof that their notices of filing have been provided in accordance with proposed §25.60(f)(1).

Consistent with its recommended revisions to proposed §25.60(f)(1), Golden Spread recommended that the commission revise proposed §25.60(f)(2) to provide that an entity's wildfire mitigation plan application will be deemed sufficient if the entity has filed a notice of intent as required by proposed §25.60(d), the entity's application includes the information required by proposed §25.60(e), and--if required--the entity has filed proof that it provided notice of filing to the required parties.

Commission Response

The commission declines to modify proposed §25.60(f)(2) to create a carve-out for entities not required to provide notice because it is unnecessary. Proposed §25.60(f)(2)--or adopted §25.60(h)(2)--provides that an entity's notice is sufficient if it has been provided in accordance with the requirements in adopted §25.60(g). As described above, adopted §25.60(g)(1) requires entities to provide notice, as applicable. Therefore, an entity that finds the notice requirements under adopted §25.60(g)(1) inapplicable may refrain from providing notice and still be found in compliance with adopted §25.60(g).

Proposed §25.60(f)(4)

Proposed §25.60(f)(4) provides that the commission will evaluate entities' wildfire mitigation plans for public interest and will not approve applications for approval of wildfire mitigation plans that are not in the public interest.

TPPA recommended that the commission revise proposed §25.60(f)(4) to "explicitly state that wildfire mitigation plans should not be rejected solely because certain measures require multi-year implementation."

Commission Response

The commission declines to specify in proposed §25.60(f)(4) that an entity's wildfire mitigation plan will not be rejected solely because of a multi-year measure implementation schedule as recommended by TPPA. PURA §38.080(c) requires the commission to approve, modify, or reject an entity's plan as necessary to be consistent with the public interest. Accordingly, the commission will consider each application in its entirety and render a decision based on the evidence presented.

Cross Texas recommended that the commission revise proposed §25.60(f)(4) to provide the following: "In evaluating an application for a plan, the Commission shall consider the specific type of entity and the specific type of service or services that the entity provides." Cross Texas asserted that its recommended language would "help ensure that the Commission considers differences between different types of entities--including, for example, the differences between transmission-only utilities such as Cross Texas and other types of electric service providers."

Commission Response

The commission declines to revise proposed §25.60(f)(4) as recommended by Cross Texas because it is unnecessary. The commission will consider each application in its entirety and render a decision based on the evidence presented.

Proposed §25.60(f)(4)(B)

Proposed §25.60(f)(4)(B) provides that, in determining whether entities' wildfire mitigation plans are in the public interest, the commission will consider whether there are more efficient or otherwise superior means of preventing, withstanding, mitigating for, or responding to wildfire risks addressed by the plans.

CenterPoint recommended that the commission revise proposed §25.60(f)(4)(B) to require entities to explain why they selected the measures contained in their wildfire mitigation plan over other "reasonable and readily-identifiable alternatives," rather than requiring entities to explain whether there are 'more efficient or otherwise superior means of preventing withstanding, mitigating for, or responding to wildfire risks addressed by the plan.' CenterPoint noted that, if implemented, this recommendation would ensure consistency between the commission's requirements for wildfire mitigation plans in §25.60 and the commission's requirements for transmission and distribution system resiliency plans under 16 TAC §25.62. CenterPoint further explained that consistency between the two rules would benefit entities that both are required to file a wildfire mitigation plan and have commission-approved system resiliency plans that contain wildfire mitigation measures. CenterPoint provided redlines in accordance with its recommendation.

TPPA expressed its opposition to proposed §25.60(f)(4)(B) in that "it appears the Commission may reject plans even if they are prudent and meet all necessary requirements, because in the Commission's judgement (over the evaluation of an independent expert in fire risk mitigation), it prefers a different approach." TPPA asserted that "deciding what is more efficient or otherwise superior is ultimately a value decision, and the Commission should not substitute its own judgment for that of a utility's or the utility's governing body and the independent third party expert." TPPA further asserted that entities consider a multitude of factors--including time, cost, overall effectiveness, technology requirements, security, the needs of the entire system, and the needs of individual customers--when designing their wildfire mitigation plans, and that the 'analysis of the adequacy and ap-

propriateness of the entity's plan relative the risks in the entity's wildfire risk areas, industry standards and best practices' will be thoroughly verified and be included with the entity's filing.

Golden Spread expressed its concern that the use of the term 'efficient' in proposed §25.60(f)(4)(B) "invites statutory over-reach" because it could be "construed as implicating cost-related considerations, which falls outside the scope of wildfire mitigation planning and the Commission's jurisdiction over electric cooperatives." Accordingly, Golden Spread recommended that the commission replace the term 'efficient' with 'effective' in proposed §25.60(f)(4)(B).

SPS asserted that, because "utilities commissioners...are not necessarily experts in wildfire mitigation," the commission should "refrain from interjecting its judgment into operational questions regarding what mitigation practices are superior to others." Accordingly, SPS recommended that the commission delete proposed §25.60(f)(4)(B) from the adopted rule.

Commission Response

The commission agrees with commenters that the phrase 'more efficient or otherwise superior means,' as used in proposed §25.60(f)(4)(B), is overly expansive. Instead, the commission specifies in adopted §25.60(i)(2) that the commission may consider in evaluating an entity's wildfire mitigation plan whether there are 'more reasonable or effective means' of preventing, withstanding, mitigating for, or responding to the wildfire risks addressed by the plan.

New §25.60(f)(4)(C)

TEC recommended that the commission add a new §25.60(f)(4)(C) to establish that the commission will "also consider and weigh the approval of the local cooperative board" when analyzing a wildfire mitigation plan submitted by an electric cooperative. TEC provided redlines consistent with its recommendation.

PEC asserted that the commission should "recognize the unique governance and financial structure of cooperatives" when making its public interest determination on wildfire mitigation plans and recommended that the commission add a new §25.60(f)(4)(C) to specify that the commission's public interest determination may consider whether a wildfire mitigation plan has been approved by an electric cooperative's Board of Directors or municipal entity's city council and whether the measures included, or not included, in an entity's plan are appropriate "in light of their relative costs and benefits." PEC provided redlines consistent with its recommendation.

Commission Response

The commission declines to add new §25.60(f)(4)(C) to specify that the commission will consider whether a municipally owned utility's or electric cooperative's governing body has approved its wildfire mitigation plan as recommended by commenters because it is unnecessary. Adopted §25.60(i)(3) provides that the commission may consider in its evaluation of an entity's plan other factors deemed relevant. Accordingly, no new rule language is required to permit the commission to consider the approval of an entity's governing body.

Proposed §25.60(f)(5)

Proposed §25.60(f)(5) provides that commission denial of an application for approval of an entity's wildfire mitigation plan is not a finding on the prudence or imprudence of the contents of the entity's plan, that entities with a denied application may file a

revised application for review and approval by the commission, and that commission approval of an entity's application is effective until the earlier of the fifth anniversary of the date the application was approved or the date the entity receives approval of a subsequent application.

Consistent with its comments on proposed §25.60(d)(1), TPPA asserted that proposed §25.60(f)(5) could create a perverse incentive for entities to avoid filing or maintaining wildfire mitigation plans and recommended that the commission revise proposed §25.60(f)(5) to clarify that "if a plan is not approved, this does not constitute a finding regarding whether the entity owns facilities in a wildfire risk area."

Commission Response

The commission declines to modify proposed §25.60(f)(5) to provide that commission denial of an entity's wildfire mitigation plan does not constitute a finding of the entity's ownership of transmission or distribution facilities in a wildfire risk area as recommended by TPPA.

By filing an application for approval of wildfire mitigation plan with the commission, an entity affirms that it owns a transmission or distribution facility in a wildfire risk area and is required to file a wildfire mitigation plan under PURA §38.080. This truth is not functionally altered or impacted by the commission's decision to approve, modify, or deny an entity's plan.

Proposed §25.60(f)(5)(B)(i)

Proposed §25.60(f)(5)(B)(i) provides that commission approval of an entity's application is effective until the fifth anniversary of the date the application was approved.

AEP Companies requested clarification from the commission on the timeline for approval of wildfire mitigation plans. Additionally, AEP Companies recommended that the commission delete proposed §25.60(f)(5)(B)(i) from the adopted rule to ensure consistency with proposed §25.60(c)(2)(C) and clarify that commission approval of a wildfire mitigation plan remains effective until a new application is approved.

Commission Response

The commission declines to delete proposed §25.60(f)(5)(B)(i) as recommended by AEP Companies and clarifies that proposed §25.60(f)(5)(B)(i)–or adopted §25.60(j)(2)(B)(i)–works in tandem with the reapproval requirement in adopted §25.60(f)(1)(B)(i).

New §25.60(f)(6)

LCRA recommended that, if proposed §25.60(f)(1) is retained in the adopted rule, the commission add a new §25.60(f)(6) to allow entities to request recovery for, or defer for recovery as a regulatory asset, costs associated with a wildfire mitigation plan that are not otherwise included in rates.

Commission Response

The commission declines to add new §25.60(f)(6) as recommended by LCRA because cost recovery issues, beyond the limited issues related to self-insurance plans, are beyond this scope of this rulemaking project.

Proposed §25.60(g)

Proposed §25.60(g) provides that the commission staff may initiate a proceeding to develop one or more pro forma wildfire mitigation plans and designate the size or characteristics of the entities or systems for which each pro forma plan is appropriate.

Proposed §25.60(g) also provides that entities using a pro forma plan must adapt the details of the plan to the characteristics of their systems and the wildfire risks to which their systems are exposed, include in the executive summary of their applications for approval a description of the modifications made to the pro forma plan to adapt it to their systems, and include in the independent expert analyses of their plans an assessment of whether the pro forma plan has been appropriately adapted to their systems.

TNMP recommended that the commission delete proposed §25.60(g) from the adopted rule and address the development of pro forma wildfire mitigation plans separately from this rulemaking. TNMP asserted that postponing pro forma plan development would allow "implementation of proposed rule requirements, with considerations set forth herein," "avoid imposing requirements that may not be appropriate or feasible for the entities to which they would apply," and "ensure...plans remain tailored to individual service territories, entity abilities and public interest needs."

TEC recommended that the commission revise proposed §25.60(g) to either require commission staff to create one or more pro forma plans or identify a date by which interested parties will be made aware of a forthcoming pro forma plan.

Oncor emphasized that "the development of a possible standardized template for the smaller utilities should not delay the ability of the larger utilities to file their WMPs as soon as practicable after adoption of § 25.60." Additionally, Oncor recommended that the commission clarify, either in the preamble of the proposal for adoption or in §25.60 itself, that the use of pro forma plans is optional, rather than mandatory.

Commission Response

The commission declines to delete proposed §25.60(g) as recommended by TNMP because it is unnecessary. Adopted §25.60(f)(1)--redesignated proposed §25.60(g)--allows commission staff to develop one or more pro forma plans but does not specify that the development will occur as part of this rulemaking project or prior to the adoption of §25.60. The commission clarifies that, if commission staff elects to develop one or more pro forma plans, those plans will be developed outside of this rulemaking project and in accordance with adopted §25.60.

The commission declines to modify proposed §25.60(g) to require commission staff to develop one or more pro forma wildfire mitigation plans, or to identify a specific publication date for these plans, as recommended by TEC. Adopted §25.60(l)(1) provides commission staff with the ability to assess, outside of this rulemaking project, the extent to which the development of one or more pro forma plans may reduce the complexities of complying with adopted §25.60. Commission staff may choose not to develop one or more pro forma plans if such work would not simplify compliance with adopted §25.60.

As requested by Oncor, the commission clarifies that, if commission staff chooses to develop one or more pro forma wildfire mitigation plans, an entity required to file an application for approval of a wildfire mitigation plan may, but is not required to, use a pro forma plan. The commission further clarifies that the potential of pro forma plan development should not delay an entity from filing an application that complies with the requirements of adopted §25.60 if it deems it practicable without making use of a pro forma plan.

Proposed §25.60(h)

Proposed §25.60(h) establishes that entities that fail to adequately implement wildfire mitigation plans approved by the commission under this section, including entities that fail to timely submit a plan or submits a plan that is not approved by the commission, are subject to administrative penalties.

TEC asserted that proposed §25.60(h) goes beyond the commission's statutory authority under PURA §38.080 by providing that the commission can assess administrative penalties against entities for "failing to timely file and plan rejection by the commission." Accordingly, TEC recommended that the commission revise proposed §25.60(h) to provide that administrative penalties may only be assessed if an entity fails to adequately implement a wildfire mitigation plan approved by the commission under §25.60, as provided for under PURA §38.080. TEC provided redlines according to its recommendations.

TPPA argued that the statute does not authorize the commission to assess penalties against an entity whose plan is rejected. TPPA recommended that the commission delete proposed §25.60(h) from the adopted rule and instead "evaluate each mitigation plan on its merits and approve plans that advance the public interest."

Commission Response

The commission declines to revise proposed § 25.60(h) as recommended by the commenters because it would be unnecessary. The commission's authority to enforce the mandatory provisions of any statute contained within PURA or rule adopted thereunder is clear. See PURA §§15.023(a) and 15.035. Rather than provide specific enforcement provisions within the adopted §25.60, the commission deletes the provision in its entirety to reduce potential confusion.

Proposed §25.60(i)

Proposed §25.60(i) requires that entities with approved wildfire mitigation plans maintain records associated with the information referred to in this section for five years, beginning the year after their plans are approved.

Oncor expressed concern that proposed §25.60(i) could be interpreted to require retention of all records that were merely 'associated with' an entity's wildfire mitigation plan. Accordingly, Oncor recommended that the commission narrow the scope of proposed §25.60(i) to only information included in entities' applications for wildfire mitigation plan approval in the preceding five years. Oncor provided redlines consistent with its recommendation.

TEC commented that the statute of limitations for claims involving property damage can range from two to four years, depending on the nature of an action. Accordingly, TEC recommended that the commission revise proposed §25.60(i) to limit the record retention requirement to four years, instead of five years.

TPPA recommended that the commission revise proposed §25.60(i) to limit the record retention requirement to four years, instead of five years, to align with the statute of limitations for filing a civil suit or claim arising from a wildfire.

Commission Response

In order to reduce regulatory burdens, the commission declines to modify proposed §25.60(i) as recommended by Oncor and, instead, deletes the provision entirely.

Comments on proposed amendments to §25.231

Proposed §25.231(b)(1)(G)

Proposed §25.231(b)(1)(G) provides that electric utilities may charge their self-insurance reserve accounts with property or liability losses that are not paid or reimbursed with commercial insurance or were not included in operating and maintenance expenses. Additionally, the reserve accounts can also be charged for liability losses resulting from personal injury or property damage caused by a wildfire unless the wildfire was caused intentionally, recklessly, or with gross negligence of the electric utility. Proposed §25.231(b)(1)(G) also outlines evaluation criteria that the commission will use to approve an electric utility's self-insurance plan.

AEP Companies recommended that the commission revise proposed §25.231(b)(1)(G) to specify that reserve accounts may be charged with liability losses resulting from personal injury or property damage caused by a public safety power shut-off or re-energization of systems subsequent to a public safety power shut-off because "Public Safety Power Shutoff and re-energization are treated the same as wildfire liabilities by utility industry insurers."

Commission Response

The commission declines to modify proposed §25.231(b)(1)(G) to specify that electric utilities may charge their self-insurance reserve accounts with liability losses resulting from personal injury or property damage caused by a public safety power shut-off or re-energization of systems subsequent to a public safety power shut-off as recommended by AEP Companies because PURA §36.064 does not explicitly contemplate this inclusion.

AEP Companies recommended that the commission revise proposed §25.231(b)(1)(G) to clarify that the exclusion for charging the reserve account for personal injury or property damage caused by a wildfire that the utility caused intentionally, recklessly, or with gross negligence applies only after a determination is made through a final adjudication. AEP Companies provided redlines consistent with its recommendations.

Commission Response

The commission declines to modify proposed §25.231(b)(1)(G) to specify that the exclusion for charging the reserve account for personal injury or property damage caused by a wildfire that the utility caused intentionally, recklessly, or with gross negligence applies only after a determination is made through a final adjudication because it is unnecessary to specify standard practices. The Texas courts retain jurisdiction over such matters.

Entergy requested that the commission revise proposed §25.231(b)(1)(G) to define the term 'savings' as used in the phrase 'that ratepayers will receive the benefits of any savings...'.

Commission Response

The commission declines to modify proposed §25.231(b)(1)(G) to define the term 'savings' as recommended by Entergy. The commission clarifies that, as used in this section, the term 'savings' refers to the cost differences for the coverage of losses, if any, between available commercial insurance and the electric utility's self-insurance.

SPS recommended that the commission replace the term 'insufficient,' as used to reference the ability of commercial insurance to cover potential liability losses, damages, or catastrophic property loss in proposed §25.231(b)(1)(G), with 'inappropriate.' SPS asserted that this replacement in terminology would grant "more

latitude" to qualified independent insurance consultants to assess the range of potential losses in a utility's service area that may require coverage.

Commission Response

The commission declines to modify proposed §25.231(b)(1)(G) to replace the term 'insufficient' with 'inappropriate' as recommended by SPS because it is unnecessary. When reviewing a self-insurance plan, the commission evaluates the plan for reasonableness and prudence to assess whether the self-insurance plan costs and coverage that provided for liability losses resulting from personal injury and property damage caused by a wildfire are appropriate. Therefore, the commission finds that retaining the term "insufficient" provides greater clarity and consistency with the statutory intent and regulatory objectives.

New §25.231(b)(1)(I)

OPUC noted that many electric utilities are already recovering the costs of self-insurance, commercial liability insurance, vegetation management, and wildfire-related system resiliency measures through transmission cost of service. OPUC asserted that electric utilities' recovery of these costs, costs associated with excess liability and self-insurance, and their approved rate of return, should be "evaluated in light of the utility's ability to demonstrate that it is properly operating, maintaining, building and replacing its transmission and distribution facilities in a manner that promotes wildfire mitigation." Further, OPUC asserted that electric utilities should be "held to deliver what they promised" in their wildfire mitigation plans and should be "required to refund or credit ratepayers if they fail to achieve the wildfire mitigation measures promised in their plans." Accordingly, OPUC recommended that the commission add new §25.231(b)(1)(I) to provide that electric utilities may not recover costs for wildfire mitigation plans and measures that are already included in commission-approved plans or other orders of the commission and that the commission will review such cost components to ensure that there is no duplicate cost recovery.

Commission Response

The commission declines to add new §25.231(b)(1)(I) as recommended by OPUC because this recommendation is beyond the scope of the rulemaking project noticed by the proposal for publication approved on August 21, 2025.

In adopting this section, the commission makes other minor modifications for the purpose of clarifying its intent.

SUBCHAPTER C. INFRASTRUCTURE AND RELIABILITY

16 TAC §25.60

New 16 TAC §25.60 is adopted under the following provisions of Public Utility Regulatory Act (PURA): §§ 14.001, which grants the commission the general power to regulate and supervise the business of each public utility within its jurisdiction and to do anything specifically designated or implied by this title that is necessary and convenient to the exercise of that power and jurisdiction; 14.002, which authorizes the commission to adopt and enforce rules reasonably required in the exercise of its powers and jurisdiction; and 38.080, which authorizes the commission to evaluate and approve, modify, or reject wildfire mitigation plans filed by electric utilities, municipally owned utilities, or electric cooperatives that own transmission or distribution facilities in a wildfire risk area of this state.

Cross Reference to Statute: Public Utility Regulatory Act §§ 14.001; 14.002; and 38.080.

§25.60. *Transmission and Distribution Wildfire Mitigation Plans.*

(a) **Applicability.** This section applies to each electric utility, municipally owned utility, and electric cooperative that owns a transmission or distribution facility in this state.

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

(1) **Entity**--an electric utility, a municipally owned utility, or an electric cooperative operating in this state.

(2) **Wildfire**--an unplanned fire spreading through vegetative fuels, occurring primarily on wildland or in a wildland-urban interface area. The term does not include a fire that constitutes controlled burning within the meaning of Section 28.01, Penal Code.

(3) **Wildfire risk area**--an area determined, under subsection (c)(1) of this section, to be at an elevated risk for wildfire.

(4) **Wildland**--an area in which development is limited to roads, railroads, power lines, and similar transportation or utility structures.

(c) **Wildfire risk area determination.**

(1) A determination of elevated risk of wildfire may be made by the Texas Division of Emergency Management (TDEM) or an entity that owns a transmission or distribution facility within that area.

(2) An area that is determined to be a wildfire risk area by an entity that owns a transmission or distribution facility within that area is only considered to be a wildfire risk area under this section with respect to the entity that made the determination.

(3) An entity that owns a transmission or distribution facility in an area that TDEM determines is a wildfire risk area must file with the commission an acknowledgement of that determination as soon as practicable after the determination is made, using the control number designated by commission staff under subsection (e)(1) of this section.

(d) **Filing entity.** An entity that owns a transmission or distribution facility in a wildfire risk area of this state must comply with the filing requirements of this section.

(1) **Authorization of alternative filing entity.** An entity that owns, but does not operate, a transmission or distribution facility in a wildfire risk area of this state may authorize the entity that operates the facility to make filings required under this section on its behalf. The entity that owns the transmission or distribution facility retains responsibility for compliance with the requirements of this section.

(2) **Joint filing.** Two or more entities subject to the filing requirements of this section may jointly submit filings required by this section, provided that the joint application or filing satisfies the requirements of this section for each entity as if each entity had filed separately. The executive summary required under subsection (f)(2)(A) of this section must identify which sections of the joint application apply to each entity. Each entity retains individual responsibility for compliance with the requirements of this section.

(e) **Notice of intent.** An entity required to file an application under this section must file a notice of intent not later than 60 calendar days prior to the entity's estimated application filing date.

(1) **Filing requirements.** The notice of intent must be filed in a control number designated for this purpose by commission staff.

(2) **Content.** The notice of intent must include:

(A) A description of the entity's wildfire risk area(s), and whether the area was determined to be a wildfire risk area by TDEM or the entity;

(B) A description of the transmission and distribution facilities the entity owns in the wildfire risk area(s);

(C) If applicable, the approximate number of transmission and distribution customers served by the entity, and the approximate number of transmission and distribution customers served by the entity that are located in the wildfire risk area(s);

(D) A statement that the entity is preparing to file an application under this section, including the entity's estimated application filing date;

(E) A statement of whether the entity intends to use a pro forma plan developed under subsection (l) of this section when assembling its application;

(F) A statement of whether the entity intends to file a joint application with one or more other entities and an explanation for the joint filing; and

(G) A statement of whether the entity is filing an application on its own behalf or if the entity is an authorized alternative filing entity under subsection (d)(1) of this section.

(f) **Application for approval of a wildfire mitigation plan.**

(1) **Filing requirements.**

(A) **Initial application.**

(i) Prior to May 1, 2026, an entity that has filed a notice of intent in accordance with subsection (e) of this section must file its application on the date scheduled by the commission under subsection (h)(1) of this section.

(ii) After May 1, 2026, an entity that has filed a notice of intent in accordance with subsection (e) of this section may file an application on its estimated application filing date, as provided by the entity's notice of intent, unless the commission schedules the filing for a different date under subsection (h)(1) of this section.

(B) **Subsequent application.** An entity with an approved wildfire mitigation plan under subsection (j) of this section must file an application for reapproval of its plan:

(i) not later than three years after the plan's approval date; and

(ii) upon making a material change to the approved plan. A material change is one that will impact how an entity will monitor, respond to, or mitigate for the risk of wildfire in its wildfire risk area(s), such as the elimination of an approved plan measure, the reduction of approved frequencies of infrastructure inspections or vegetation management practices, the introduction of a new plan measure, or a significant update to the entity's wildfire risk modeling methodologies. An application filed under this clause should describe in the executive summary under paragraph (2)(A) of this subsection the material change made to the approved plan.

(2) **Contents.**

(A) **Executive summary.** An entity's application must include the following in an executive summary or comprehensive chart:

(i) A description of the contents of the application;

(ii) A reference to specific sections and page numbers of the application that correspond with the requirements of this paragraph;

(iii) A description and map, in reference to the nearest county boundary, city, or town, of each area of this state to which the entity provides transmission or distribution service that is in the wildfire risk area at issue in the application and a description of how the entity identified each wildfire risk area. If practicable, the entity must also provide the map in GIS format, such as a geodatabase feature class or shapefile;

(iv) A description of wildfires that impacted or were caused by the entity's infrastructure in its wildfire risk area(s) in the preceding 10 years, or to the extent known or available, including the date, implicated TDEM disaster districts, and known impacts of each wildfire to the entity's infrastructure;

(v) A description of the environmental and operational risks that the entity's wildfire mitigation plan is designed to address (e.g., low-moisture, high-temperature, or high-wind conditions or events, the presence of salt moisture or other contaminants on transmission or distribution facilities or equipment, dry or high-volumes of vegetation, etc.); and

(vi) An explanation of how the entity's wildfire mitigation plan sufficiently mitigates for wildfire risk in the entity's wildfire risk area(s).

(B) Wildfire mitigation plan. An entity's application must include the following in a wildfire mitigation plan:

(i) A description of the entity's process for periodically inspecting its transmission and distribution facilities in its wildfire risk area(s), including, if applicable, a description of the entity's use of geospatial or remote sensing technologies (such as Light Detection and Ranging (LiDAR), satellite, etc.) or risk-modeling tools;

(ii) A detailed plan for vegetation management in the entity's wildfire risk area(s), including, if applicable, a description of the entity's use of geospatial or remote sensing technologies (such as LiDAR, satellite, etc.) or risk-modeling tools;

(iii) A detailed operations plan for reducing the likelihood of wildfire ignition from the entity's transmission and distribution facilities and responding to a wildfire in the entity's wildfire risk area(s), including, if applicable, a description of the entity's use of automated fault detection devices or programs (such as microprocessor-based relays, Supervisory Control and Data Acquisition (SCADA), etc.);

(iv) A description of the entity's procedures for restoring its transmission or distribution system during and after a wildfire, including contact information for the entity that may be used for coordination with TDEM and first responders;

(v) A community outreach and public awareness plan regarding wildfire risks, actual wildfire events, and service interruptions or outages caused by, or initiated to mitigate for, wildfire events, that affect the entity's service territory or transmission or distribution system. The entity must include in its community and public awareness plan a specific communications plan for responding to a wildfire event;

(vi) A description of the entity's procedures for de-energizing power lines and disabling reclosers to either mitigate for potential wildfires or implement a public safety power shut-off plan. The entity must include, as applicable, a description of its procedures for coordinating those measures with its regional transmission organization, independent system operator, or other reliability coordinator

and other transmission operators and distribution service providers; and

(vii) A description of the procedures, measures, and standards that the entity will use to inspect and operate its transmission and distribution infrastructure to mitigate for wildfire risks in its wildfire risk area(s).

(C) Independent expert analysis. An application must include an analysis of the entity's wildfire mitigation plan prepared by an independent expert with not less than five years of professional experience in electric utility fire risk mitigation, including in wildfire operations, electric transmission and distribution operations, and risk analysis methods.

(i) Qualifications may be met in aggregate by a team of multiple independent experts, each with different areas of expertise, provided that each independent expert has not less than five years of relevant professional experience and the team designates a lead independent expert to be responsible for preparing the analysis.

(ii) The independent expert's analysis must include:

(I) supporting documentation that the independent expert meets the required qualifications and an attestation that the independent expert was not involved in designing the entity's wildfire mitigation plan or its component programs;

(II) a description of the independent expert's methodology for analyzing the entity's wildfire mitigation plan; and

(III) a technical assessment of the adequacy and appropriateness of the contents of the entity's wildfire mitigation plan, relative to the size and complexity of the entity's transmission and distribution system, wildfire risks in the entity's wildfire risk area(s), applicable industry standards and best practices, and any reasonable alternative wildfire mitigation measures.

(D) Additional application requirements.

(i) An application must include a description of how the entity will monitor implementation and compliance with the wildfire mitigation plan.

(ii) An application must include any other infrastructure report, maintenance report, transmission or distribution pole maintenance plan, or information that the entity is required to submit under PURA, other commission rules, North American Electric Reliability Corporation or other federal standards, or ERCOT protocols or operating guides that the entity determines is relevant to its wildfire mitigation efforts and would assist the commission in making a public interest determination on the entity's wildfire mitigation plan. An entity submitting a report, plan, or other information under this clause must submit the report, plan, or other information in its entirety and include a summary of how the report, plan, or other information relates to, or impacts, the entity's wildfire mitigation efforts.

(3) Substantially similar information. An entity may fulfill the requirements of paragraph (2)(B) of this subsection by submitting any information required under other law that is substantially similar to the information required by paragraph (2)(B) of this subsection. An entity must clearly identify in its application the requirement the submitted information is intended to fulfill and include a description of why the entity believes the submitted information is substantially similar to that requirement.

(4) Inapplicable requirements. For any requirement under paragraph (2)(B) of this subsection that an entity determines is inapplicable to its application, the entity must clearly identify in its application

the requirement that is inapplicable and include a description of why the entity believes the requirement is inapplicable to its application.

(g) Notice and intervention deadline.

(1) Not later than the working day following the filing of an application, an entity must use a reasonable method to provide notice of the filed application and intervention deadline to, as applicable:

(A) all municipalities in the entity's service area that have retained original jurisdiction;

(B) all parties in the entity's most recent base-rate proceeding;

(C) the Office of Public Utility Counsel; and

(D) the entity's regional transmission operator, independent system operator, or other reliability coordinator.

(2) The notice required by this subsection must include the docket number assigned to the application and a copy of the application and state the deadline for intervention. Notwithstanding the standard intervention deadline specified in §22.104(b), relating to Motions to Intervene, the intervention deadline is 30 calendar days from the date service of notice is complete.

(h) Commission processing of application.

(1) Application filing schedules.

(A) The commission will establish an initial filing schedule for applications, based on notices of intent that were filed by entities under subsection (e) of this section prior to March 1, 2026. However, the commission may schedule individual filings prior to this initial filing schedule on an as-needed basis.

(B) The commission may establish, at the recommendation of commission staff or commission counsel, subsequent filing schedules for individual or multiple applications.

(2) Sufficiency of application. An entity's application is sufficient if the entity has filed a notice of intent as required by subsection (e) of this section, the application includes the information required by subsection (f)(2) of this section, and the entity has filed proof that notice has been provided in accordance with subsection (g) of this section.

(A) Unless otherwise ordered by the presiding officer, commission staff must review each application for sufficiency and file a recommendation on sufficiency within 30 days after the application is filed. If commission staff recommends the application be found deficient, the deficiencies must be identified in the recommendation. The entity will have seven calendar days to file a response.

(B) If the presiding officer concludes the application is deficient, the presiding officer will file a notice of deficiency and cite the particular requirements with which the application does not comply. The presiding officer must provide the entity an opportunity to amend its application. Unless otherwise ordered by the presiding officer, commission staff must file a recommendation on sufficiency within 10 days after the filing of an amended application, when the amendment is filed in response to a notice of deficiency in the application.

(3) Procedural schedule. The commission will approve or deny an application or approve a modified wildfire mitigation plan not later than 180 days after a sufficient application is filed. The presiding officer must establish a procedural schedule that will enable the commission to approve or deny an application or approve a modified wildfire mitigation plan not later than 180 days after a sufficient application is filed. An application is not sufficient if it has been deemed insufficient by the presiding officer.

(i) Commission review of application. In determining whether to approve or deny an application, or approve a modified application, the commission will consider whether an entity's wildfire mitigation plan is in the public interest. The commission will not approve an application for a plan that is not in the public interest. In evaluating the public interest of a plan, the commission may consider:

(1) the extent to which the plan will:

(A) mitigate the wildfire risks present in an entity's wildfire risk area(s);

(B) reduce the potential frequency or duration of service interruptions or outages, or potential damages to utility infrastructure, that are attributable to wildfires in the entity's wildfire risk area(s); and

(C) improve the entity's communication and coordination before, during, and after a wildfire in the entity's wildfire risk area(s) with:

(i) the entity's customers;

(ii) the commission;

(iii) if applicable, the entity's regional transmission operator, independent system operator, or other reliability coordinator and other transmission operators or distribution service providers;

(iv) first responders; and

(v) TDEM.

(2) whether there are more reasonable or effective means of preventing, withstanding, mitigating for, or responding to wildfire risks addressed by the plan; or

(3) other factors deemed relevant by the commission.

(j) Commission decision on application.

(1) Denial.

(A) The commission's denial of an entity's application is not a finding on the prudence or imprudence of the contents of the entity's wildfire mitigation plan. Upon denial of an application, an entity may file a revised application for review and approval by the commission under this subsection.

(B) Commission denial of a joint application constitutes a denial for all entities that are applicants in the joint application.

(2) Approval.

(A) The Commission may approve an entity's application with or without modification.

(B) Commission approval of an entity's application is effective until the earlier of:

(i) the fifth anniversary of the date the application was approved; or

(ii) the date the entity receives commission approval of a subsequent application.

(C) Commission approval of a joint application constitutes an approval for all entities that are applicants in the joint application.

(k) Reports.

(1) Annual report. An entity with an approved wildfire mitigation plan must file an annual report on its plan by May 1 of each year, beginning the year after the plan is approved. An entity's annual report must include information on the entity's implementation of the plan.

(2) After-action report. In the event of a wildfire that impacts or involves an entity's transmission or distribution facilities or assets, the commission, the executive director of the commission, or a designee of the executive director may require the entity to file an after-action or lessons-learned report with the commission by a specified date.

(l) Pro forma plan.

(1) Development. Commission staff may develop one or more pro forma wildfire mitigation plans. Commission staff may designate the size or characteristics of the entities or systems for which each pro forma plan is appropriate.

(2) Use. An entity that uses a pro forma plan must adapt the details of the plan to the characteristics of its transmission or distribution system and the wildfire risks to which its system is exposed. Additionally, an entity that uses a pro forma plan must include in the executive summary under subsection (f)(2)(A) of this section a description of the entity's modifications to the pro forma plan to adapt the plan to its system and include in the independent expert analysis under subsection (f)(2)(C) of this section an assessment of whether the pro forma plan has been appropriately adapted to the entity's system and wildfire risks.

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 14, 2025.

TRD-202504167

Andrea Gonzalez

Rules Coordinator

Public Utility Commission of Texas

Effective date: December 4, 2025

Proposal publication date: September 5, 2025

For further information, please call: (512) 936-7244



SUBCHAPTER J. COSTS, RATES AND TARIFFS

DIVISION 1. RETAIL RATES

16 TAC §25.231

Amended 16 TAC §25.231 is adopted under the following provisions of Public Utility Regulatory Act (PURA): §§ 14.001, which grants the commission the general power to regulate and supervise the business of each public utility within its jurisdiction and to do anything specifically designated or implied by this title that is necessary and convenient to the exercise of that power and jurisdiction; 14.002, which authorizes the commission to adopt and enforce rules reasonably required in the exercise of its powers and jurisdiction; and 36.064, which authorizes the commission to evaluate and approve electric utility self-insurance plans.

Cross Reference to Statute: Public Utility Regulatory Act §§ 14.001; 14.002; and 36.064.

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 14, 2025.

TRD-202504168

Andrea Gonzalez

Rules Coordinator

Public Utility Commission of Texas

Effective date: December 4, 2025

Proposal publication date: September 5, 2025

For further information, please call: (512) 936-7244



TITLE 19. EDUCATION

PART 2. TEXAS EDUCATION AGENCY

CHAPTER 67. STATE REVIEW AND APPROVAL OF INSTRUCTIONAL MATERIALS SUBCHAPTER AA. INSTRUCTIONAL MATERIALS AND TECHNOLOGY ALLOTMENT

19 TAC §67.1001

The Texas Education Agency (TEA) adopts an amendment to §67.1001, concerning the instructional materials and technology allotment. The amendment is adopted without changes to the proposed text as published in the September 12, 2025 issue of the *Texas Register* (50 TexReg 6001) and will not be republished. The adopted amendment implements Senate Bill (SB) 13, 89th Texas Legislature, Regular Session, 2025, and codifies a tacit allowable expense by updating the allowable expenditures from a district's instructional materials and technology allotment.

REASONED JUSTIFICATION: SB 13, 89th Texas Legislature, Regular Session, 2025, added Texas Education Code (TEC), §33.023(d), which requires school districts to adopt procedures for parental access to a school district's library catalog and access by the parent's child to certain library materials. The statute allows a school district to use funds from its instructional materials and technology allotment to comply with the requirement.

To implement SB 13, new §67.1001(e)(6) specifies that allotment funds may be used to pay for costs connected to parents' ability to access the library or for access by their child to certain materials.

New §67.1001(e)(5) specifies that allotment funds may be used to pay for software relating to analyzing content for its appropriateness to Texas Essential Knowledge and Skills content under TEC, §28.002. This addition codifies into rule a tacit allowable expense already in practice.

SUMMARY OF COMMENTS AND AGENCY RESPONSES: The public comment period on the proposal began September 12, 2025, and ended October 13, 2025. No public comments were received.

STATUTORY AUTHORITY. The amendment is adopted under Texas Education Code (TEC), §31.003(b), which authorizes the commissioner of education to adopt rules consistent with TEC, Chapter 31, as necessary to implement a provision of the chapter that the commissioner or the agency is responsible for implementing; TEC, §31.0211, which permits the commissioner to adopt rules regarding the instructional materials and technology

allotment, including the amount of the per-student allotment, the authorization of juvenile justice alternative education program allotments, allowed expenditures, required priorities, and adjustments to the number of students for which a district's allotment is calculated; TEC, §31.0212, which addresses the documentation required for requisitions and disbursements to be approved, districts' online instructional materials ordering system accounts, and school district submissions to the commissioner of the title and publication information for any materials the districts purchase with their allotments; TEC, §31.0215, which addresses allotment purchases, including announcing to districts the amount of their allotments and delayed payment options; TEC, §31.029, which requires the commissioner to adopt rules regarding instructional materials for use in bilingual education classes; TEC, §31.031, which requires the commissioner to adopt rules regarding the purchase of college preparatory instructional materials with the allotment; TEC, §31.071, which addresses state-developed open-source instructional materials; TEC, §31.076, which permits the commissioner to adopt rules necessary to implement TEC, Chapter 31, Subchapter B-1, and states that a decision made by the commissioner under the subchapter is final and may not be appealed; TEC, §31.104, which requires the commissioner to adopt rules that include criteria for determining whether instructional materials and technological equipment are returned in an acceptable condition; TEC, §33.023(d), as added by Senate Bill 13, 89th Texas Legislature, Regular Session, 2025, which authorizes school districts and open-enrollment charter schools to use funds from the district's or school's instructional materials and technology allotment under TEC, §31.0211, for costs associated with complying with statutes relating to parental access to library catalog and access by the parent's child to certain library materials; TEC, §48.004, which requires the commissioner to adopt rules, act, and require reports consistent with TEC, Chapter 48, as necessary to implement and administer the Foundation School Program.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code, §§31.003(b); 31.0211; 31.0212; 31.0215; 31.029; 31.031; 31.071; 31.076; 31.104; 33.023(d), as added by Senate Bill 13, 89th Texas Legislature, Regular Session, 2025; and 48.004.

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 17, 2025.

TRD-202504172
Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Effective date: December 7, 2025
Proposal publication date: September 12, 2025
For further information, please call: (512) 475-1497



TITLE 22. EXAMINING BOARDS

PART 15. TEXAS STATE BOARD OF PHARMACY

CHAPTER 281. ADMINISTRATIVE PRACTICE AND PROCEDURES

SUBCHAPTER C. DISCIPLINARY GUIDELINES

22 TAC §281.63

The Texas State Board of Pharmacy adopts amendments to §281.63, concerning Considerations for Criminal Offenses. These amendments are adopted without changes to the proposed text as published in the September 26, 2025, issue of the *Texas Register* (50 TexReg 6283). The rule will not be republished.

The amendments update the board's disciplinary guidelines concerning the imprisonment of a licensee, a registrant, or an owner of a pharmacy following a felony conviction or deferred adjudication, in accordance with Senate Bill 1080 and clarify certain provisions to align more closely to existing statute.

No comments were received.

The amendments are adopted under §§551.002 and 554.051 of the Texas Pharmacy Act (Chapters 551 - 569, Texas Occupations Code). The Board interprets §551.002 as authorizing the agency to protect the public through the effective control and regulation of the practice of pharmacy. The Board interprets §554.051(a) as authorizing the agency to adopt rules for the proper administration and enforcement of the Act.

The statutes affected by this adoption: Texas Pharmacy Act, Chapters 551 - 569, Texas Occupations Code.

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

Filed with the Office of the Secretary of State on November 10, 2025.

TRD-202504103
Daniel Carroll, Pharm.D.
Executive Director
Texas State Board of Pharmacy
Effective date: November 30, 2025
Proposal publication date: September 26, 2025
For further information, please call: (512) 305-8084



CHAPTER 283. LICENSING REQUIREMENTS FOR PHARMACISTS

22 TAC §283.12

The Texas State Board of Pharmacy adopts amendments to §283.12, concerning Licenses for Military Service Members, Military Veterans, and Military Spouses. These amendments are adopted with changes to the proposed text as published in the September 26, 2025, issue of the *Texas Register* (50 TexReg 6285). The rule will be republished.

The amendments update the alternative licensing procedures, expedited licensing procedures, and interim license procedures for a military service member, military veteran, or military spouse, in accordance with House Bill 5629, establish provisional license procedures for a military service member, military veteran, or

military spouse, in accordance with Senate Bill 1818, and make grammatical corrections.

No comments were received.

The amendments are adopted under §§551.002 and 554.051 of the Texas Pharmacy Act (Chapters 551 - 569, Texas Occupations Code). The Board interprets §551.002 as authorizing the agency to protect the public through the effective control and regulation of the practice of pharmacy. The Board interprets §554.051(a) as authorizing the agency to adopt rules for the proper administration and enforcement of the Act.

The statutes affected by this adoption: Texas Pharmacy Act, Chapters 551 - 569, Texas Occupations Code.

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

Filed with the Office of the Secretary of State on November 10, 2025.

TRD-202504104

Daniel Carroll, Pharm.D.

Executive Director

Texas State Board of Pharmacy

Effective date: November 30, 2025

Proposal publication date: September 26, 2025

For further information, please call: (512) 305-8084



CHAPTER 291. PHARMACIES

SUBCHAPTER B. COMMUNITY PHARMACY (CLASS A)

22 TAC §291.31

The Texas State Board of Pharmacy adopts amendments to §291.31, concerning Definitions. These amendments are adopted without changes to the proposed text as published in the September 26, 2025, issue of the *Texas Register* (50 TexReg 6289). The rule will not be republished.

The amendments add definitions for the terms "common ownership" and "owner of record."

No comments were received.

The amendments are adopted under §§551.002 and 554.051 of the Texas Pharmacy Act (Chapters 551 - 569, Texas Occupations Code). The Board interprets §551.002 as authorizing the agency to protect the public through the effective control and regulation of the practice of pharmacy. The Board interprets §554.051(a) as authorizing the agency to adopt rules for the proper administration and enforcement of the Act.

The statutes affected by this adoption: Texas Pharmacy Act, Chapters 551 - 569, Texas Occupations Code.

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

Filed with the Office of the Secretary of State on November 10, 2025.

TRD-202504105

Daniel Carroll, Pharm.D.

Executive Director

Texas State Board of Pharmacy

Effective date: November 30, 2025

Proposal publication date: September 26, 2025

For further information, please call: (512) 305-8084



SUBCHAPTER C. NUCLEAR PHARMACY (CLASS B)

22 TAC §291.52

The Texas State Board of Pharmacy adopts amendments to §291.52, concerning Definitions. These amendments are adopted without changes to the proposed text as published in the September 26, 2025, issue of the *Texas Register* (50 TexReg 6292). The rule will not be republished.

The amendments add definitions for the terms "common ownership" and "owner of record."

No comments were received.

The amendments are adopted under §§551.002 and 554.051 of the Texas Pharmacy Act (Chapters 551 - 569, Texas Occupations Code). The Board interprets §551.002 as authorizing the agency to protect the public through the effective control and regulation of the practice of pharmacy. The Board interprets §554.051(a) as authorizing the agency to adopt rules for the proper administration and enforcement of the Act.

The statutes affected by this adoption: Texas Pharmacy Act, Chapters 551 - 569, Texas Occupations Code.

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

Filed with the Office of the Secretary of State on November 10, 2025.

TRD-202504107

Daniel Carroll, Pharm.D.

Executive Director

Texas State Board of Pharmacy

Effective date: November 30, 2025

Proposal publication date: September 26, 2025

For further information, please call: (512) 305-8084



SUBCHAPTER D. INSTITUTIONAL PHARMACY (CLASS C)

22 TAC §291.72

The Texas State Board of Pharmacy adopts amendments to §291.72, concerning Definitions. These amendments are adopted without changes to the proposed text as published in the September 26, 2025, issue of the *Texas Register* (50 TexReg 6294). The rule will not be republished.

The amendments add definitions for the terms "common ownership" and "owner of record."

No comments were received.

The amendments are adopted under §§551.002 and 554.051 of the Texas Pharmacy Act (Chapters 551 - 569, Texas Occupations Code). The Board interprets §551.002 as authorizing the agency to protect the public through the effective control and regulation of the practice of pharmacy. The Board interprets §554.051(a) as authorizing the agency to adopt rules for the proper administration and enforcement of the Act.

The statutes affected by this adoption: Texas Pharmacy Act, Chapters 551 - 569, Texas Occupations Code.

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

Filed with the Office of the Secretary of State on November 10, 2025.

TRD-202504108

Daniel Carroll, Pharm.D.

Executive Director

Texas State Board of Pharmacy

Effective date: November 30, 2025

Proposal publication date: September 26, 2025

For further information, please call: (512) 305-8084



SUBCHAPTER G. SERVICES PROVIDED BY PHARMACIES

22 TAC §291.120

The Texas State Board of Pharmacy adopts amendments to §291.120, concerning General. These amendments are adopted without changes to the proposed text as published in the September 26, 2025, issue of the *Texas Register* (50 TexReg 6297). The rule will not be republished.

The amendments add definitions for the terms "common ownership" and "owner of record."

No comments were received.

The amendments are adopted under §§551.002 and 554.051 of the Texas Pharmacy Act (Chapters 551 - 569, Texas Occupations Code). The Board interprets §551.002 as authorizing the agency to protect the public through the effective control and regulation of the practice of pharmacy. The Board interprets §554.051(a) as authorizing the agency to adopt rules for the proper administration and enforcement of the Act.

The statutes affected by this adoption: Texas Pharmacy Act, Chapters 551 - 569, Texas Occupations Code.

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

Filed with the Office of the Secretary of State on November 10, 2025.

TRD-202504109

Daniel Carroll, Pharm.D.

Executive Director

Texas State Board of Pharmacy

Effective date: November 30, 2025

Proposal publication date: September 26, 2025

For further information, please call: (512) 305-8084



CHAPTER 297. PHARMACY TECHNICIANS AND PHARMACY TECHNICIAN TRAINEES

22 TAC §297.2

The Texas State Board of Pharmacy adopts amendments to §297.2, concerning Definitions. These amendments are adopted without changes to the proposed text as published in the September 26, 2025, issue of the *Texas Register* (50 TexReg 6298). The rule will not be republished.

The amendments add definitions for the terms "common ownership" and "owner of record."

No comments were received.

The amendments are adopted under §§551.002 and 554.051 of the Texas Pharmacy Act (Chapters 551 - 569, Texas Occupations Code). The Board interprets §551.002 as authorizing the agency to protect the public through the effective control and regulation of the practice of pharmacy. The Board interprets §554.051(a) as authorizing the agency to adopt rules for the proper administration and enforcement of the Act.

The statutes affected by this adoption: Texas Pharmacy Act, Chapters 551 - 569, Texas Occupations Code.

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

Filed with the Office of the Secretary of State on November 10, 2025.

TRD-202504110

Daniel Carroll, Pharm.D.

Executive Director

Texas State Board of Pharmacy

Effective date: November 30, 2025

Proposal publication date: September 26, 2025

For further information, please call: (512) 305-8084



22 TAC §297.10

The Texas State Board of Pharmacy adopts amendments to §297.10, concerning Registration for Military Service Members, Military Veterans, and Military Spouses. These amendments are adopted with changes to the proposed text as published in the September 26, 2025, issue of the *Texas Register* (50 TexReg 6298). The rule will be republished.

The amendments update the alternative registration procedures, expedited registration procedures, and interim registration procedures for a military service member, military veteran, or military spouse, in accordance with House Bill 5629, establish provisional registration procedures for a military service member,

military veteran, or military spouse, in accordance with Senate Bill 1818, and make grammatical corrections.

No comments were received.

The amendments are adopted under §§551.002 and 554.051 of the Texas Pharmacy Act (Chapters 551 - 569, Texas Occupations Code). The Board interprets §551.002 as authorizing the agency to protect the public through the effective control and regulation of the practice of pharmacy. The Board interprets §554.051(a) as authorizing the agency to adopt rules for the proper administration and enforcement of the Act.

The statutes affected by this adoption: Texas Pharmacy Act, Chapters 551 - 569, Texas Occupations Code.

§297.10. Registration for Military Service Members, Military Veterans, and Military Spouses.

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

(1) Active duty--Current full-time military service in the armed forces of the United States or active duty military service as a member of the Texas military forces, or similar military service of another state.

(2) Armed forces of the United States--The army, navy, air force, space force, coast guard, or marine corps of the United States or a reserve unit of one of those branches of the armed forces.

(3) Military service member--A person who is on active duty.

(4) Military spouse--A person who is married to a military service member.

(5) Military veteran--A person who has served on active duty and who was discharged or released from active duty.

(b) Alternative registration procedure. For the purpose of §55.004, Occupations Code, a military service member, military veteran, or military spouse may complete the following alternative procedures to apply for a pharmacy technician registration if the applicant holds a current registration issued by another state that is similar in scope of practice to the registration in this state and is in good standing with that state's licensing authority or within the five years preceding the application date held a pharmacy technician registration in this state.

(1) Provisional registration. On receipt by the board of an application for a pharmacy technician registration in accordance with this subsection, the board shall issue a provisional registration to the applicant while the board processes the application. A provisional registration issued under this subsection expires on the earlier of:

(A) the date the board approves or denies the provisional registration holder's application for the registration; or

(B) the 180th date after the date the provisional registration is issued.

(2) An applicant who holds a current registration as a pharmacy technician issued by another state but does not have a current pharmacy technician certification certificate shall meet the requirements for registration as a pharmacy technician trainee as specified in §297.3 of this chapter (relating to Registration Requirements).

(3) An applicant who held a pharmacy technician registration in Texas that expired within the five years preceding the application date who meets the following requirements may be granted a pharmacy technician registration. The applicant:

(A) shall complete the Texas application for registration that includes the following:

(i) name;

(ii) addresses, phone numbers, date of birth, and social security number; and

(iii) any other information requested on the application;

(B) shall provide documentation to include:

(i) military identification indicating that the applicant is a military service member, military veteran, or military dependent, if a military spouse; and

(ii) marriage certificate, if the applicant is a military spouse; applicant's spouse is on active duty status;

(C) be exempt from the application fees paid to the board set forth in §297.4(a) and (b)(2) of this chapter (relating to Fees);

(D) shall meet all necessary requirements in order for the board to access the criminal history records information, including submitting fingerprint information and such criminal history check does not reveal any charge or conviction for a crime that §281.64 of this title (relating to Sanctions for Criminal Offenses) indicates a sanction of denial, revocation, or suspension; and

(E) is not required to have a current pharmacy technician certification certificate.

(c) Expedited registration procedure. For the purpose of §55.005, Occupations Code, a military service member, military veteran or military spouse may complete the following expedited procedures to apply for a pharmacy technician registration if the applicant holds a current registration issued by another state that is similar in scope of practice to the registration in this state and is in good standing with that state's licensing authority or within the five years preceding the application date held a pharmacy technician registration in this state.

(1) The applicant shall:

(A) have a high school or equivalent diploma (e.g., GED), or be working to achieve a high school or equivalent diploma. For the purpose of this clause, an applicant for registration may be working to achieve a high school or equivalent diploma for no more than two years;

(B) have taken and passed a pharmacy technician certification examination approved by the board and have a current certification certificate;

(C) complete the Texas application for registration that includes the following information:

(i) name;

(ii) addresses, phone numbers, date of birth, and social security number; and

(iii) any other information requested on the application;

(D) meet all requirements necessary in order for the Board to access the criminal history record information, including submitting fingerprint information and paying the required fees; and

(E) shall be exempt from the registration fee as specified in §297.4(b)(2) of this chapter.

(2) Once an applicant has successfully completed all requirements of registration, and the board has determined there are no grounds to refuse registration, the applicant shall be notified of registration as a registered pharmacy technician and of his or her pharmacy technician registration number.

(3) All applicants for renewal of an expedited pharmacy technician registration issued to a military service member, military veteran, or military spouse shall comply with the renewal procedures as specified in §297.3 of this chapter.

(d) Registration renewal. As specified in §55.003, Occupations Code, a military service member who holds a pharmacy technician registration is entitled to two years of additional time to complete any requirements related to the renewal of the military service member's registration.

(1) A military service member who fails to renew their pharmacy technician registration in a timely manner because the individual was serving as a military service member shall submit to the board:

(A) name, address, and registration number of the pharmacy technician;

(B) military identification indicating that the individual is a military service member; and

(C) a statement requesting up to two years of additional time to complete the renewal.

(2) A military service member specified in paragraph (1) of this subsection shall be exempt from fees specified in §297.3(d)(3) of this chapter.

(3) A military service member specified in paragraph (1) of this subsection is entitled to two additional years of time to complete the continuing education requirements specified in §297.8 of this title (relating to Continuing Education Requirements).

(e) Interim registration for military service member or military spouse. In accordance with §55.0041, Occupations Code, a military service member or military spouse may be issued an interim pharmacy technician registration if the member or spouse currently holds a registration similar in scope of practice issued by the licensing authority of another state and is in good standing with that licensing authority as specified in §55.0042, Occupations Code.

(1) Before engaging in pharmacy technician duties, the military service member or military spouse shall submit an application that includes:

(A) a copy of the member's military orders showing relocation to this state;

(B) if the applicant is a military spouse, a copy of the military spouse's marriage certificate; and

(C) a notarized affidavit affirming under penalty of perjury that:

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

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

(iii) the applicant understands the scope of practice for a pharmacy technician registration in this state and will not perform outside of that scope of practice; and

(iv) the applicant is in good standing in each state in which the applicant holds or has held a pharmacy technician registration.

(2) A military service member or military spouse applying for an interim registration under this subsection may not engage in pharmacy technician duties in this state until issued an interim pharmacy technician registration.

(3) For a military service member or military spouse applying for an interim registration under this subsection, the board shall:

(A) determine whether the state in which the applicant is registered issues registrations similar in scope of practice to a pharmacy technician registration issued by the board; and

(B) notify the applicant that:

(i) the board is issuing the interim registration;

(ii) the application is incomplete; or

(iii) the board is unable to issue the interim registration because a pharmacy technician registration issued by the board is not similar in scope of practice to the applicant's registration.

(4) A military service member or military spouse may engage in pharmacy technician duties under an interim registration issued under this subsection only for the period during which the military service member or, with respect to a military spouse, the military service member to whom the spouse is married is stationed at a military installation in this state.

(5) In the event of a divorce or similar event that affects a person's status as a military spouse, the former spouse may continue to engage in pharmacy technician duties under an interim registration issued under this subsection until the third anniversary of the date the spouse submitted the application required under paragraph (1) of this subsection.

(6) While engaged in pharmacy technician duties in this state, the military service member or military spouse shall comply with all other laws and regulations applicable to practicing as a pharmacy technician in this state.

(f) Relationship to federal law. This section establishes requirements and procedures authorized or required by Texas Occupations Code, Chapter 55, and does not modify or alter rights that may be provided under federal law.

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 10, 2025.

TRD-202504106

Daniel Carroll, Pharm.D.

Executive Director

Texas State Board of Pharmacy

Effective date: November 30, 2025

Proposal publication date: September 26, 2025

For further information, please call: (512) 305-8084



TITLE 25. HEALTH SERVICES

PART 1. DEPARTMENT OF STATE HEALTH SERVICES

CHAPTER 1. MISCELLANEOUS PROVISIONS SUBCHAPTER D. LOW-THC CANNABIS FOR COMPASSIONATE USE

25 TAC §1.61, §1.63

The executive commissioner of the Texas Health and Human Services Commission (HHSC), on behalf of the Department of State Health Services (DSHS), adopts an amendment to §1.61, concerning Medical Conditions for which a Physician May Prescribe Low-THC Cannabis; and new §1.63, concerning Pulmonary Inhalation Devices for Low-THC Cannabis.

Section 1.61 is adopted without changes to the proposed text as published in the September 5, 2025, issue of the *Texas Register* (50 TexReg 5868). This rule will not be republished.

Section 1.63 is adopted with changes to the proposed text as published in the September 5, 2025, issue of the *Texas Register* (50 TexReg 5868). This rule will be republished.

BACKGROUND AND JUSTIFICATION

The amendment and new section are necessary to comply with House Bill (HB) 46, by King et al, 89th Legislature, Regular Session, 2025, which amended Texas Occupations Code §169.003 to allow DSHS to receive physician requests to add medical conditions to the list of qualifying conditions for which physicians may prescribe low-THC cannabis under the Texas Compassionate Use Program at the Texas Department of Public Safety. HB 46 also amended Texas Occupations Code Chapter 169 to add §169.006 to allow physicians to prescribe pulmonary inhalation as the means of administration of low-THC cannabis and establish a timeline for reviewing and approving pulmonary inhalation devices.

COMMENTS

The 31-day comment period ended October 6, 2025.

During this period, DSHS received comments regarding the proposed rules from 13 stakeholders. DSHS received comments from East Texas Medicinal Meds; Goodblend; Marijuana Policy Project; PAXX; Texas Cannabis Clinic; Texas Cannabis Policy Center; Texas Original Compassionate Cultivation; The Center TX; Thrive Medical Cannabis; and five stakeholders not representing an organization. A summary of comments relating to the rules and DSHS' responses follows.

Comment: A commenter suggested deleting the requirement of DSHS providing forms requesting the addition of non-neurodegenerative diseases to the list of medical conditions to the Department of Public Safety (DPS) who will then submit requests to the legislature for consideration. The commenter suggests that DSHS in §1.61(c)(1) has the authority to add non-neurodegenerative diseases to the list without legislative approval.

Response: DSHS disagrees and declines to revise the rule in response to this comment. HB 46 requires any requests for non-neurodegenerative diseases added to the list must be approved by the legislature.

Comment: Several commenters suggested that §1.63(c) be revised so that qualifying physicians under Texas Occupations Code Chapter 169 may not be required to prescribe a pulmonary inhalation device for low-THC cannabis to a patient.

Response: DSHS partially agrees with this suggestion and added language that a qualified physician may, but is not required to, prescribe pulmonary inhalation as the means of administration for low-THC cannabis. The rule does not require physicians to prescribe a pulmonary inhalation device, and language was added to §1.63(c) to make this clear.

Comment: Several commenters suggested that §1.63(d) be revised so that dispensing organizations may submit a form to DSHS to request the addition of a pulmonary inhalation device to the list from which a physician may choose when prescribing and removing this responsibility from physicians.

Response: DSHS agrees with this suggestion and rule language in §1.63(d) has been modified to allow qualifying dispensing organizations to submit a form to DSHS requesting the addition of a pulmonary inhalation device.

Comment: A commenter suggested §1.63 be revised so that licensed dispensing organizations may provide an equivalent substitute for a physician prescribed pulmonary inhalation device.

Response: DSHS disagrees and declines to include this language. Instead, §1.63(d) has been modified to allow qualifying dispensing organizations to submit a form to DSHS to request approval of a pulmonary inhalation device that may be dispensed to a patient for the pulmonary inhalation of low-THC cannabis.

Comment: A commenter suggested that §1.63(d) be revised so pulmonary inhalation device manufacturers may submit a form to DSHS to request the addition of a pulmonary inhalation device to the list from which a physician may choose when prescribing and removing this responsibility from physicians.

Response: DSHS disagrees with this request and declines to edit this section. DSHS has modified rule language in §1.63(d) allowing licensed dispensing organizations to submit a form to DSHS requesting the addition of a pulmonary inhalation device.

Comment: Several commenters suggested that §1.63 be revised so that DSHS establishes pulmonary inhalation device safety standards.

Response: DSHS partially agrees. DSHS currently does not have the authority to set pulmonary inhalation device safety standards, but rule language has been added to new §1.63(f) requiring that a request for review of a pulmonary inhalation device must include an attestation from the requester that the proposed pulmonary inhalation device is safe and effective for the pulmonary inhalation of low-THC cannabis. Patients should follow the pulmonary inhalation device manufacturer safety guidelines.

Comment: Several commenters suggested that §1.63(f) be revised so that DSHS must review pulmonary inhalation devices within a shorter time frame than the proposed six months with stakeholders to determine potential changes to this section.

Response: DSHS agrees and has revised rule language in proposed §1.63(f), renumbered for adoption to §1.63(g), so that DSHS must review pulmonary inhalation devices within four months with stakeholders to determine potential changes to this section.

Comment: Several commenters suggested that §1.63 be revised to include cannabis flower as a way of prescription for low-THC cannabis.

Response: DSHS declines to revise the rule to include cannabis flower as a prescription option for low-THC cannabis. This request is out of scope of statutory changes based on HB 46.

DSHS made non substantive changes to the definition of pulmonary inhalation devices in §1.63(a) to clarify that the pulmonary inhalation device will be dispensed to patients.

STATUTORY AUTHORITY

The amendment and new section are adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Health and Safety Code §1001.075, which authorizes the executive commissioner of HHSC to adopt rules and policies for the operation and provision of health and human services by DSHS and for the administration of Texas Health and Safety Code Chapter 1001 and Texas Occupations Code Chapter 169.

§1.63. *Pulmonary Inhalation Devices for Low-THC Cannabis.*

(a) A pulmonary inhalation device is a device designed, marketed, and dispensed to allow a patient to inhale an aerosolized or vaporized substance.

(b) A pulmonary inhalation device must not burn or ignite a substance for the purpose of inhaling smoke.

(c) A qualifying physician under Texas Occupations Code Chapter 169 may, but is not required to, prescribe pulmonary inhalation as the means of administration for low-THC cannabis to a patient who is qualified to receive a low-THC cannabis prescription.

(d) A licensed dispensing organization, as defined in Texas Health and Safety Code Chapter 487, may submit a form to DSHS to request approval of a pulmonary inhalation device that may be dispensed to a patient for the pulmonary inhalation of low-THC cannabis.

(e) A request under subsection (d) of this section must be submitted using the form, Request to Add Medical Conditions for Which a Physician May Prescribe Low-THC Cannabis or Add Pulmonary Inhalation Devices for Low-THC Cannabis, located on the DSHS website.

(f) A request under subsection (d) of this section must include an attestation from the requester that the proposed pulmonary inhalation device is safe and effective for the pulmonary inhalation of low-THC cannabis.

(g) The Texas Department of State Health Services must review pulmonary inhalation devices every four months with stakeholders to determine potential changes to this section.

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

Filed with the Office of the Secretary of State on November 10, 2025.

TRD-202504111

Cynthia Hernandez

General Counsel

Department of State Health Services

Effective date: November 30, 2025

Proposal publication date: September 5, 2025

For further information, please call: (512) 776-3554



TITLE 40. SOCIAL SERVICES AND ASSISTANCE

PART 20. TEXAS WORKFORCE COMMISSION

CHAPTER 809. CHILD CARE SERVICES

The Texas Workforce Commission (TWC) adopts amendments to the following sections of Chapter 809, relating to Child Care Services:

Subchapter A. General Provisions, §809.1 and §809.2

Subchapter C. Eligibility for Child Care Services, §809.43

Amended §809.1 and §809.43 are adopted without changes to the proposal, as published in the September 5, 2025, issue of the *Texas Register* (50 TexReg 5888), and, therefore, the adopted rule text will not be published.

Amended §809.2 is adopted with changes to the proposed text as published, and therefore the adopted rule text will be published.

PART I. PURPOSE, BACKGROUND, AND AUTHORITY

The purpose of the amendments to Chapter 809 is to improve the efficiency and delivery of child care services and allow TWC's three-member Commission (Commission) flexibility to implement new service delivery concepts or Commission-approved statewide initiatives or special projects within Commission-defined parameters. The proposed amendments also clarify that the provisions of Chapter 809 apply to any entity receiving Commission funds or benefits related to child care services.

Additionally, the amendments include child care waiting list priority for children of child care workers. Senate Bill (SB) 462, passed by the 89th Legislature, Regular Session, 2025, and signed by the governor, amended Texas Labor Code, Chapter 302, by adding §302.0064, which requires the Commission to establish a waiting list priority group for children of child care workers. The proposed amendments include the definition of a child care worker as provided in Texas Labor Code, §302.0064(a).

PART II. EXPLANATION OF INDIVIDUAL PROVISIONS

(Note: Minor editorial changes are made that do not change the meaning of the rules and, therefore, are not discussed in the Explanation of Individual Provisions.)

SUBCHAPTER A. GENERAL PROVISIONS

TWC adopts the following amendments to Subchapter A:

§809.1. Short Title and Purpose

Section 809.1(b) is amended to conform with TWC style practices.

Section 809.1(d) is amended to clarify that the provisions of Chapter 809 apply to all entities receiving Commission funds related to child care services. This amendment will ensure that all entities participating in and receiving benefits or funds from any Commission child care initiative will be subject to applicable rules, including rules related to fraud and improper payments, governing child care services and quality initiatives.

New §809.1(e) is added to allow the Commission to suspend a provision of Chapter 809 for a specified time, on either a statewide or other basis, if the Commission determines that sus-

pending the provision does not violate federal or state statutes or regulations and will improve the efficiency and delivery of child care services, or is necessary to implement new service delivery concepts or Commission-approved statewide initiatives or special projects within Commission-defined parameters.

This new subsection is designed to provide the Commission the flexibility to improve the delivery of child care services on a timely basis and to implement statewide initiatives or other special projects. In exercising this flexibility, the Commission intends to specify the provisions to be suspended and any applicable time limits on the suspension during public Commission meetings, and when the initiative or special project is approved by the Commission. The amended rule requires that the Commission must determine that the suspension does not violate federal or state statutes or regulations.

§809.2. Definitions

Section 809.2 is amended to add a definition of a child care worker for purposes of the waiting list priority in §809.43. The definition is identical to the definition provided in Texas Labor Code, §302.0064(a), and states that a child care worker is an individual employed by and working in a child care facility licensed under Texas Human Resources Code, Chapter 42, for a minimum of 25 hours per week. The term does not include the owner or director of a child care facility unless the owner's or director's child is served in a program other than a program directly supervised by the owner or director. The addition of the child care worker definition will be effective on January 5, 2026, to align with the implementation of changes to TWC's child care case management system.

SUBCHAPTER C. ELIGIBILITY FOR CHILD CARE SERVICES

TWC adopts the following amendments to Subchapter C:

§809.43. Priority for Child Care Services

Section 809.43 is amended to add a waiting list priority group for children of child care workers as required by Texas Labor Code, §302.0064.

The Commission notes that Texas Labor Code, §302.0064(c), states that a child care worker whose child receives child care services under this priority group is subject to redetermination of the individual's eligibility for services in accordance with Commission rule each year. Therefore, once a child of a child care worker is initially authorized for child care under this priority, the child and child's family will be subject to eligibility redetermination as described in §809.42.

PART III. PUBLIC COMMENTS

The comment period ended on October 6, 2025. No comments were received.

SUBCHAPTER A. GENERAL PROVISIONS

40 TAC §809.1, §809.2

PART IV. STATUTORY AUTHORITY

The rules are adopted under Texas Labor Code, §301.0015 and §302.002(d), which provide TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of TWC services and activities.

The rules relate to Title 4, Texas Labor Code, particularly Chapters 301 and 302.

§809.2. Definitions.

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

(1) **Attending a job training or educational program**--An individual is attending a job training or educational program if the individual:

(A) is considered by the program to be officially enrolled;

(B) meets all attendance requirements established by the program; and

(C) is making progress toward successful completion of the program as demonstrated through continued enrollment in the program upon eligibility redetermination as described in §809.42 of this chapter.

(2) **Child**--An individual who meets the general eligibility requirements contained in this chapter for receiving child care services.

(3) **Child care contractor**--The entity or entities under contract with the Board to manage child care services. This includes contractors involved in determining eligibility for child care services, contractors involved in the billing and provider payment process related to child care, as well as contractors involved in the funding of quality improvement activities as described in §809.16 of this chapter.

(4) **Child care desert**--An area described in Texas Labor Code, §302.0461 in which the number of children under age six with working parents is at least three times greater than the capacity of licensed child care providers in the area, based on data published annually by the Commission.

(5) **Child Care Regulation (CCR)**--Division in the Texas Health and Human Services Commission responsible for protecting the health, safety, and well-being of children who attend or reside in regulated child care facilities and homes.

(6) **Child care services**--Child care subsidies and quality improvement activities funded by the Commission.

(7) **Child care subsidies**--Commission-funded child care payments to an eligible child care provider for the direct care of an eligible child.

(8) **Child care worker**--for purposes of the waiting list priority described in §809.43 of this chapter, and pursuant to Texas Labor Code, §302.0064, a child care worker is an individual employed by and working in a child care facility licensed under Texas Human Resources Code, Chapter 42 for a minimum of 25 hours per week. The term does not include the owner or director of a child care facility unless the owner's or director's child is served in a program other than a program directly supervised by the owner or director. The child care worker definition is effective January 5, 2026.

(9) **Child experiencing homelessness**--A child who is homeless, as defined in the McKinney-Vento Act (42 USC 11434(a)), Subtitle VII-B, §725.

(10) **Child with disabilities**--A child who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment. Major life activities include, but are not limited to, caring for oneself; performing manual tasks; walking; hearing; seeing, speaking, or breathing; learning; and working.

(11) **Educational program**--A program that leads to:

(A) a high school diploma;

(B) a Certificate of High School Equivalency; or

(C) an undergraduate degree from an institution of higher education.

(12) Excessive unexplained absences--More than 40 unexplained absences within a 12-month eligibility period as described in §809.78 of this chapter.

(13) Family--Two or more individuals related by blood, marriage, or decree of court, who are living in a single residence and are included in one or more of the following categories:

(A) Two individuals, married--including by common-law, and household dependents; or

(B) A parent and household dependents.

(14) Household dependent--An individual living in the household who is:

(A) an adult considered a dependent of the parent for income tax purposes;

(B) a child of a teen parent; or

(C) a child or other minor living in the household who is the responsibility of the parent.

(15) Improper payments--Any payment of Child Care Development Fund (CCDF) funds that should not have been made or that was made in an incorrect amount (including overpayments and underpayments) under statutory, contractual, administrative, or other legally applicable requirements governing the administration of CCDF grant funds and includes payments:

(A) to an ineligible recipient;

(B) for an ineligible service;

(C) for any duplicate payment; and

(D) for services not received.

(16) Job training program--A program that provides training or instruction leading to:

(A) basic literacy;

(B) English proficiency;

(C) an occupational or professional certification or license; or

(D) the acquisition of technical skills, knowledge, and abilities specific to an occupation.

(17) Listed family home--A family home, other than the eligible child's own residence, that is listed but not licensed or registered with CCR, pursuant to Texas Human Resources Code, §42.052(c).

(18) Military deployment--The temporary duty assignment away from the permanent military installation or place of residence for reserve components of the single military parent or the dual military parents. This includes deployed parents in the regular military, military reserves, or National Guard.

(19) Parent--An individual who is responsible for the care and supervision of a child and is identified as the child's natural parent, adoptive parent, stepparent, legal guardian, or person standing in loco parentis (as determined in accordance with Commission policies and procedures). Unless otherwise indicated, the term applies to a single parent or both parents.

(20) Protective services--Services provided when a child:

(A) is at risk of abuse or neglect in the immediate or short-term future and the child's family cannot or will not protect the

child without Texas Department of Family and Protective Services (DFPS) Child Protective Services (CPS) intervention;

(B) is in the managing conservatorship of DFPS and residing with a relative or a foster parent; or

(C) has been provided with protective services by DFPS within the prior six months and requires services to ensure the stability of the family.

(21) Provider--A provider is defined as a:

(A) regulated child care provider;

(B) relative child care provider; or

(C) listed family home subject to the requirements in §809.91(e) of this chapter.

(22) Regulated child care provider--A provider caring for an eligible child in a location other than the eligible child's own residence that is:

(A) licensed by CCR;

(B) registered with CCR; or

(C) operated and monitored by the United States military services.

(23) Relative child care provider--An individual who is at least 18 years of age, and is, by marriage, blood relationship, or court decree, the child's:

(A) grandparent;

(B) great-grandparent;

(C) aunt;

(D) uncle; or

(E) sibling (if the sibling does not reside in the same household as the eligible child).

(24) Residing with--Unless otherwise stipulated in this chapter, a child is considered to be residing with the parent when the child is living with, and physically present with, the parent during the time period for which child care services are being requested or received.

(25) Teen parent--A teen parent (teen) is an individual 18 years of age or younger, or 19 years of age and attending high school or the equivalent, who has a child.

(26) Texas Rising Star program--A quality-based rating system of child care providers participating in Commission-subsidized child care.

(27) Texas Rising Star provider--A regulated child care provider meeting the Texas Rising Star program standards. Texas Rising Star providers are:

(A) designated as an Entry Level Provider;

(B) certified as a Two-Star Provider;

(C) certified as a Three-Star Provider; or

(D) certified as a Four-Star Provider.

(28) Working--Working is defined as:

(A) activities for which one receives monetary compensation such as a salary, wages, tips, and commissions;

(B) participation in Choices or Supplemental Nutrition Assistance Program Employment and Training (SNAP E&T) activities; or

(C) engaging in job search at the time of eligibility determination or redetermination as described in §809.56 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 12, 2025.

TRD-202504147

Les Trobman

General Counsel

Texas Workforce Commission

Effective date: December 2, 2025

Proposal publication date: September 5, 2025.

For further information, please call: (737) 301-9662



SUBCHAPTER C. ELIGIBILITY FOR CHILD CARE SERVICES

40 TAC §809.43

The rule is adopted under Texas Labor Code, §301.0015 and §302.002(d), which provide TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of TWC services and activities.

The rule relates to Title 4, Texas Labor Code, particularly Chapters 301 and 302.

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 12, 2025.

TRD-202504149

Les Trobman

General Counsel

Texas Workforce Commission

Effective date: December 2, 2025

Proposal publication date: September 5, 2025.

For further information, please call: (737) 301-9662



TITLE 43. TRANSPORTATION

PART 1. TEXAS DEPARTMENT OF TRANSPORTATION

CHAPTER 1. MANAGEMENT

SUBCHAPTER F. ADVISORY COMMITTEES

43 TAC §1.84, §1.88

The Texas Department of Transportation (department) adopts amendments to §1.84 and §1.88, relating to Advisory Committees. The amendments to §1.84 and §1.88 are adopted without

changes to the proposed text as published in the September 5, 2025, issue of the *Texas Register* (50 TexReg 5892) and will not be republished.

EXPLANATION OF ADOPTED AMENDMENTS

The department's rules provide, in accordance with Government Code, §2110.008, that each of the Texas Transportation Commission's (commission) or department's advisory committees created by statute or by the commission or department is abolished on December 31, 2025. The commission has reviewed the need to continue the existence of those advisory committees beyond that date. The commission recognizes that the continuation of some of the existing advisory committees is necessary for improved communication between the department and the public and this rulemaking extends the duration of specified advisory committees for that purpose.

Amendments to §1.84, Statutory Advisory Committees, delete the references to and information about the Advanced Air Mobility Advisory Committee, which was created under Transportation Code, Section 21.0045. That statute expired January 1, 2025.

Amendments to §1.88, Duration of Advisory Committees, extend the dates on which the various advisory committees will be abolished and removes the provision related to the Advanced Air Mobility Advisory Committee.

COMMENTS

No comments on the proposed amendments were received.

STATUTORY AUTHORITY

The amendments are adopted under Transportation Code, §201.101, which provides the commission with the authority to establish rules for the conduct of the work of the department, and more specifically, Transportation Code, §201.117, which provides the commission with the authority to establish, as it considers necessary, advisory committees on any of the matters under its jurisdiction, and Government Code, §2110.008, which provides that a state agency by rule may designate the date on which an advisory committee will automatically be abolished.

CROSS REFERENCE TO STATUTES IMPLEMENTED BY THIS RULEMAKING

Government Code, Chapter 2110, and Transportation Code, §§21.003, 21.0045, 201.114, 201.117, 201.623, and 455.004.

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 13, 2025.

TRD-202504152

Becky Blewett

Deputy General Counsel

Texas Department of Transportation

Effective date: December 3, 2025

Proposal publication date: September 5, 2025

For further information, please call: (512) 463-2407



CHAPTER 25. TRAFFIC OPERATIONS

SUBCHAPTER A. GENERAL

43 TAC §25.1

The Texas Department of Transportation (TxDOT or department) adopts the amendments to §25.1 concerning Uniform Traffic Control Devices. The amendments to §25.1 are adopted without changes to the proposed rule text as published in the July 4, 2025 issue of the *Texas Register* (50 TexReg 3861) and will not be republished, but with changes to the Texas Manual on Uniform Traffic Control Devices that was proposed on same date and is adopted by reference in §25.1. The effective date of the amendments is January 18, 2026.

EXPLANATION OF ADOPTED AMENDMENTS

Under Transportation Code, §544.001, the Texas Transportation Commission is required to adopt a manual for a uniform system of traffic control devices. The statute further states that the manual must be consistent with the state traffic laws and to the extent possible conform to the system approved by the American Association of State Highway Transportation Officials. The edition of the manual that is currently effective is the 2011 Revision 2 version.

The national Manual on Uniform Traffic Control Devices (national MUTCD) is adopted and published by the Federal Highway Administration (FHWA) under Title 23, Code of Federal Regulations, Part 655, Subpart F. The national MUTCD defines the standards used by road managers nationwide to install and maintain traffic control devices on all streets, highways, pedestrian and bicycle facilities, and site roadways open to public travel. The Texas Manual on Uniform Traffic Control Devices (TMUTCD) is revised periodically to maintain substantial conformance with the national MUTCD to allow use of a single manual for local, state, and Federal-aid highway projects.

Amendments to §25.1 adopt the 2025 TMUTCD by reference and update the name and address of the relevant department division. The national MUTCD 11th Edition (national MUTCD) was published with an effective date of January 18, 2024, and Texas is required to adopt a state manual in substantial conformance with the national MUTCD by January 18, 2026. The purpose of the updates is to revise standards, guidance, options, and supporting information relating to the traffic control devices in all parts of the MUTCD. The changes will promote uniformity and incorporate technological advances in traffic control device application, ultimately improving and promoting the safe and efficient utilization of roads that are open to public travel.

The 2025 version of the TMUTCD is available online at the department's website, www.txdot.gov, and at the department's Traffic Safety Division office at 6230 East Stassney Lane in Austin, Texas. The national MUTCD is available online at mutcd.fhwa.dot.gov.

Prior to the publication of the proposed TMUTCD on July 4, 2025 for public comment, the department had requested FHWA to allow certain variations from the national MUTCD based on Texas laws and policies. Due to the federal deadline for state manual adoption, the department posted the proposed TMUTCD for public comment with the language recommended for the variations, even though the variations had not yet been approved by FHWA. This provided interested individuals the opportunity to comment on the department's recommended language as compared to the language in the national MUTCD.

Following discussions with FHWA, the following items (as numbered in the original list of pending issues published in the pro-

posal on July 4, 2025) remain as they were in the proposed TMUTCD:

1. Section 2A.08 (Par. 3) - font choice
3. Sections 2B.30A, 2D.26 - Turnaround ONLY sign & plaque
4. Sections 2B.31, 31A, 31B and Sections 2C.30, 34 - sign text size
10. Sections 2E and 2G - use of LEFT EXIT or LEFT LANE panels
13. Section 2F (multiple Figures throughout) - Toll Road sign design
15. Section 2L.02 (Par. 2) - alert message types permitted on dynamic/changeable message signs
18. Figure 2N-1 - use of symbol on Hurricane Evacuation Route sign
21. Section 7C.02 (Par. 4) - use of school zone transverse line

The following items (as numbered in the original list of pending issues published in the proposal on July 4, 2025) were resolved through discussion with FHWA, resulting in changes to the proposed TMUTCD:

2. Sections 2B.27 (Par. 7), 2B.28 (Par. 3) - placement of Mandatory Movement Lane Control signs. TxDOT removed language allowing the Mandatory Movement Lane Control (R3-5) and Optional Movement Lane Control (R3-6 series) signs to be post-mounted and will conform to language from Sections 2B.28 and 2B.29 of the national MUTCD that limits these signs to be mounted overhead only.
- 5 and 6. Section 2B.72 - No Electronic Messaging by Driver sign format and Section 2B.74 - Seat Belt sign format. For both items 5 and 6, TxDOT added a yellow "STATE LAW" panel at the top of regulatory signs that reference "STATE LAW" in Chapters 2B and 6G to be in substantial conformance with the national MUTCD. This includes the Prohibited Electronic Messaging While Driving (R16-15T), Littering Prohibited \$10-2000 Fine (R19-6T), and Fasten Safety Belts (R19-8T) signs in Figure 2B-33, and the State Law Obey Warning Signs (R20-3T) sign in Figure 6G-1.
7. Sections 2C.10 (Figure 2C-1) and 2C.43 (Figure 2C-10) - Large Arrow sign design. TxDOT removed the Chevron/Two-Direction Large Arrow (W1-7T) and Chevron/One-Direction Large Arrow (W1-9T) signs from Table 2C-1, Figures 2C-1 and 2C-10, and Sections 2C.10 and 2C.43, to conform to the national MUTCD and because an equivalent warning message can be achieved with the existing large arrow signs (W1-6 single or W1-7 double) in the national MUTCD with enhanced conspicuity as described in Section 2A.11.
8. Section 2C.25 (Figure 2C-6) - use of clearance arrow plaque. TxDOT removed the Downward Arrow (W12-3PT) plaque from Figure 2C-6 to conform to the national MUTCD, which includes the Clearance Overhead with arrow (W12-2b) sign that can be used instead.
9. Section 2C.41A - use of HIGHWAY INTERSECTION AHEAD sign. FHWA considers the HIGHWAY INTERSECTION AHEAD (W2-14aT) sign to be redundant to the intersection warning (symbol) signs shown in Figure 2C-10 and described in Section 2C.41. TxDOT removed the HIGHWAY INTERSECTION AHEAD (W2-14aT) sign from Figure 2C-10 to conform to the national MUTCD.

11. Section 2E.39A - use of Overhead Down Arrow guide signs. Retaining Section 2E.39A can cause confusion about the continued use of Overhead Down Arrow Guide Signs. This older sign design may only be considered for cases where an engineering study determines that the sign needs to be replaced but the sign structure cannot support a conforming Arrow-per-Lane sign. TxDOT removed Section 2E.39A.

12. Section 2E.42 (Figures 2E-44, 46) - Optional Exit Lane sign design. In Figures 2E-44 and 2E-46, TxDOT removed the optional Exit Lane sign design and adopted the mandatory Exit Lane sign design at the ramp gore to conform to the national MUTCD.

14. Section 2G (multiple Figures throughout) - Preferential and Managed Lane sign design. TxDOT updated HOV regulatory signs to conform to the format in the national MUTCD in Figure 2G-1 and other figures in Section 2G that include these signs. TxDOT's primary change was to remove the horizontal line in the body of the sign and to add the word ONLY, e.g., "HOV 2+ ONLY".

16. Section 2L.04 (Par. 07) - use of warning beacons on dynamic/changeable message signs (DMS/CMS). TxDOT reinstated language in Section 2L.04, Paragraph 7, related to warning beacons on CMS, to conform to the national MUTCD. TxDOT also added an Option paragraph to Section 2L.04 that allows warning beacons on DMS/CMS to flash for imminent dangers.

17. Figure 2M-9 - use of symbol on Destination Guide Sign for kayaking. TxDOT removed the Kayaking symbol (RS-118T) sign in Figure 2M-9 and Table 2M-1 to conform to the national MUTCD and because an FHWA study indicated that the Kayaking symbol had insufficient comprehension by the public. TxDOT will contact the Texas Parks and Wildlife Department about alternatives for their Texas Paddling Trails program.

19. Section 3A.04 (Par. 02) - definition of a "wide line." TxDOT reinstated the definition of a "wide line" in Section 3A.04 to be "at least twice the width of a normal line" to conform to the national MUTCD.

20. Section 6H.08B - use of Upward Sloping Arrow sign. TxDOT removed the Upward Sloping Arrow (CW1-6aT) sign from Table 6H-1, Figure 6H-1, and Section 6H.08B in Chapter 6H to conform to the national MUTCD.

After the publication of the proposed TMUTCD on July 4, 2025 for public comment, FHWA provided additional comments on Part 2F. Discussion with FHWA resulted in the following changes, which have been numbered in sequence from the original list of pending issues published in the proposal:

22. TxDOT modified Figure 2F-1A and subsequent figures in Chapter 2F to show a TOLL (W90-11T) panel integrated into the top of the guide sign instead of a TOLL ROAD (W90-11PT) plaque above the guide sign. This panel configuration conforms to the Standard language in Section 2F.12, Paragraph 5, in the national MUTCD.

23. TxDOT updated the Toll Rate (R90-2aT, R90-2bT) sign designs in Figure 2F-2 to more closely conform with the national MUTCD.

24. TxDOT removed the Standard statement in Section 2F.03 (previously Paragraph 2) to conform to the national MUTCD because this Texas-specific Standard statement related to display-

ing a purple background color or underlay panel is redundant to other language in the national MUTCD.

25. In Figure 2F-4, TxDOT removed the LAST FREE EXIT (W90-5PT) plaque and replaced it with the LAST EXIT BEFORE TOLL (W16-16P or W16-16aP) warning plaque, which has a similar meaning and conforms to the national MUTCD.

After the publication of the proposed TMUTCD for public comment on July 4, 2025, TxDOT made these additional changes:

26. TxDOT reinstated Figure 2I-3, "Examples of General Service Signs with and without Exit Numbering", to conform to the national MUTCD.

27. TxDOT requested clarification, and FHWA confirmed an error not currently documented in FHWA's List of Known Errors. TxDOT updated Figures 6P-29 and 9C-1 to show the sizes of the diagonal downward-pointing arrow (W16-7P and CW16-7P) plaques to be consistent with FHWA's Standard Highway Signs (SHS) publication and the language of the national MUTCD.

28. TxDOT also made minor corrections and clarifications.

COMMENTS

The department posted the rules for comment in the July 4, 2025 issue of the *Texas Register* and received comments through September 2, 2025. TxDOT received 27 comments from a total of 12 individuals and entities. The City of Austin and Safe Streets Austin each submitted comments with suggested changes to the proposed TMUTCD.

1. One comment noted the use of the Junction Auxiliary Plaque for the intersecting US Route 46 in Figure 2A-4 and recommended updating the sign assembly due to an update in route numbers for the other intersecting roadways. The Junction US Route 46 sign is still appropriate for illustration A, within Figure 2A-4 Sheet 1, as the intersecting road is both US Route 46 and US Route 90 West. No related revisions were made to the proposed TMUTCD.

2. One comment requested including more figures displaying the application of new signs. There are several new figures within the proposed TMUTCD that show the application of new signs. Additionally, Texas has supplemental guidance documents that will be updated to show the use of these new signs. No related revisions were made to the proposed TMUTCD.

3. One comment requested clarification on the use of the WATER CROSSING (W8-18aT) sign, requesting consideration for the application of this sign in areas with local heavy rains and flash floods. While this sign is not intended for that purpose, the language in Section 2C.34 provides for use of other signs for that purpose, including ROAD MAY FLOOD (W8-18). No related revisions were made to the proposed TMUTCD.

4. One comment noted an inconsistency between the proposed TMUTCD and the current Standard Highway Sign Designs for Texas (SHSD) for the design of object markers. The comment stated that the design of Type 3 Object Markers does not comply with TMUTCD Section 2C.02, Paragraph 1, but that paragraph does not apply to Object Markers. However, TxDOT concurs that the depiction of Type 3 Object Markers in the proposed TMUTCD does not match that depicted in the current SHSD. Instead, Figure 2C-17 in the proposed TMUTCD reflects the national MUTCD language in Section 2C.70, Paragraph 2, where the minimum width of the yellow and black stripes shall be 3 inches. Since Texas has chosen to set a standard stripe width of

4 inches, which is reflected in the current SHSD, TxDOT revised Figure 2C-17 to depict the 4-inch width.

5. One comment requested clarification of the text describing Object Markers for sign supports adjacent to the roadway. Per the national MUTCD Standard statement in Section 2C.72, Type 1 and Type 4 Object Markers shall not be used to mark obstructions adjacent to the roadway. Section 2C.72, Paragraphs 7 and 8 describe the acceptable means to mark a sign support (not an obstruction) adjacent to the roadway. TxDOT re-issued the Delineator and Object Marker standard sheet as D&OM(SIGN)-25A on September 23, 2025. To distinguish sign supports from obstructions, TxDOT revised Section 2C.70, Paragraph 1 to add "or sign supports."

6. One comment supported the removal of north arrows included in many figures of the national MUTCD. The comment noted that the north arrows are still included in Chapter 2D of the proposed TMUTCD and requested clarification on whether this was intentional. The north arrows are included on figures that have cardinal directions shown on signs/plaques. No related revisions were made to the proposed TMUTCD.

7. One comment noted a potential error in Figure 2D-4, which includes several signs (M1-1a through M1-3) that do not have rounded borders as required by Section 2A.10, Paragraph 2. As these are longstanding sign designs provided in the national MUTCD, Texas is conforming with the national MUTCD under the substantial conformance requirement. No related revisions were made to the proposed TMUTCD.

8. One comment noted an inconsistency between Section 2E.22, Paragraph 12, and Figure 2E-9. The text describes the word "LEFT" on the sign legend of the E1-5bP plaque despite the plaque not including "LEFT" on the sign legend in Figure 2E-9. FHWA has concurred this is a known error. TxDOT concurs with this comment. TxDOT revised Section 2E.22, Paragraph 12, to reference plaques E1-5fP through E1-5kP instead of E1-5bP. TxDOT also revised Figure 2E-9 to designate Texas-specific LEFT exit number plaques with a "T".

9. One comment noted the language in Section 2E.26, Paragraph 2, related to the arrow displayed on Exit Gore signs, may not allow flexibility for ramps with cloverleaf configurations. However, the text in Section 2E.26, Paragraph 2 allows use of the appropriate arrow based on the site and ramp configuration, and this language conforms to the national MUTCD. No related revisions were made to the proposed TMUTCD.

10. One comment requested removal of the requirement that an electric vehicle (EV) charging service provider adhere to the federal EV charger standards in 23 CFR 680.106 in order to qualify for a Specific Service Sign. The commenter stated that the federal regulation predates a shift in industry standards and is now out of date. The TMUTCD is required by federal law to be in substantial conformance with the national MUTCD. No related revisions were made to the proposed TMUTCD.

11. One comment requested the TMUTCD enhance the ability for cities to install painted transit lanes. Based on updates to the national MUTCD, Section 3H.07 of the proposed TMUTCD includes criteria allowing agencies to provide markings to increase the conspicuity of infrastructure reserved for public transit systems. No related revisions were made to the proposed TMUTCD.

12. One comment supported Chapters 3C and 3H being added to the MUTCD. TxDOT concurs with this comment. No related revisions were made to the proposed TMUTCD.

13. One comment noted concerns about the lack of flexibility of the Texas-specific Guidance statement in Section 3D.01, Paragraph 3, which states that markings should not require lane changes within a circular intersection to make a U-turn maneuver. The commenter also recommended retaining Figure 3D-4. TxDOT concurs with this comment. To allow flexibility for site-specific needs while still considering roundabout best practices, TxDOT reinstated Figure 3D-4 and converted the Guidance statement in Section 3D.01 to a Support statement.

14. One comment noted a concern of road users slipping if aesthetic surface treatments (paint) are used between transverse lines within a crosswalk. The comment suggested using a different color for each longitudinal bar of the crosswalk to achieve the aesthetic appearance without painting the entire crosswalk. However, both longitudinal and transverse lines in crosswalks are required to be white by Section 3C.03. Using any other color would interfere with the traffic control device and is not allowed per Section 3H.03, Paragraph 5. The comment also suggested permitting murals on sidewalks, but the TMUTCD provides criteria only for traffic control devices. Per direction by the US DOT Secretary of Transportation in July 2025, TxDOT added a new Standard statement in Section 3H.03 to further clarify the use of aesthetic treatments.

15. One comment noted the use of the rainbow crosswalks and requested these be allowed. Section 3H.03 of the proposed TMUTCD allows aesthetic surface treatments within the requirements of that section. Per direction by the US DOT Secretary of Transportation in July 2025, TxDOT added a new Standard statement in Section 3H.03 to further clarify the use of aesthetic treatments.

16. One comment noted that the rainbow crosswalk at UT Austin on Guadalupe Street is distracting and should be removed if other rainbow crosswalks are removed. Per direction by the US DOT Secretary of Transportation in July 2025, TxDOT added a new Standard statement to Section 3H.03 to further clarify the use of aesthetic treatments.

17. One comment noted that street art is not distracting and generally located in areas with lower speed limits. Section 3H.03 of the proposed TMUTCD allows aesthetic surface treatments within the requirements of that section. Per direction by the US DOT Secretary of Transportation in July 2025, TxDOT added a new Standard statement to Section 3H.03 to further clarify the use of aesthetic treatments.

18. One comment supported the changes, especially: Section 4F.19, Paragraph 4 (protection of pedestrian intervals when transitioning into preemption control); Section 4H.05, Paragraph 4 (limits flashing bicycle indications to flashing mode); Section 7B.05, Paragraphs 9-11 (yellow warning beacons for school zones); and the new Figure 7B-4A (buffered school speed zones). TxDOT concurs with this comment. No related revisions were made to the proposed TMUTCD.

19. One comment requested rewording to clarify the Guidance statement in Section 4C.02, Paragraph 9, related to the eight-hour volume warrant. The proposed language in Section 4C.02, Paragraphs 9 and 10 when read together are clear that the 8 hours used in Condition A are not required to be the 8 hours used in Condition B. No related revisions were made to the proposed TMUTCD.

20. One comment requested Figure 6P-8 be corrected to replace the labels that read "M1-6T" with "M1-5T". TxDOT concurs with this comment and revised Figure 6P-8 to replace the "M1-6T" labels with "M1-5T".

21. One comment noted that additional text would provide clarity on Figure 7B-4A, which illustrates the use of traffic control devices in a buffer school speed zone. TxDOT concurs with this comment. TxDOT revised Section 7B.05 to provide additional guidance.

22. One comment requested clarification on the interpretation provided in the public hearing presentation regarding turns on red across separated bicycle lanes and the Standard statement in Section 9E.07, Paragraph 12. The proposed language prohibits turns on red across separated bicycle lanes while bicyclists are allowed to proceed through the intersection. One of the examples shown in the Public Hearing presentation includes a travel lane and a parallel separated bicycle lane that are served by the same signal faces. When the red signal indication is displayed, bicyclists are not permitted to proceed through the intersection. Therefore, turns on red across the parallel separated bicycle lane are not required to be prohibited in this example. TxDOT concurs with this interpretation. No related revisions were made to the proposed TMUTCD.

23. One comment requested including a section related to signs for innovative intersections. Generally, the proposed TMUTCD is aligned with the national MUTCD sections due to the substantial conformance requirement. There are several sections and figures in the proposed TMUTCD that include signing for innovative intersections. Additionally, TxDOT has supplemental guidance documents that will be updated to show the use of signs in innovative intersections. No related revisions were made to the proposed TMUTCD.

24. One comment requested the TMUTCD include text that enables placemaking by allowing planters, benches, and other materials to be installed on neighborhood streets. The TMUTCD provides criteria for the use of traffic control devices. Planters, benches, and other similar items are not considered traffic control devices and are therefore not addressed in the TMUTCD. No related revisions were made to the proposed TMUTCD.

25. One comment requested the TMUTCD include additional flexibility for installing pedestrian infrastructure. The proposed TMUTCD includes flexibility for installing devices to improve safety for all road users. One example is in Warrant 4, in Section 4C.05, where there is a provision to allow for a reduction in

the recommended pedestrian volume. Another example is in Section 4J.01, where the threshold for installing a pedestrian hybrid beacon is allowed to be reduced. No related revisions were made to the proposed TMUTCD.

26. One comment noted that the TMUTCD is structured heavily towards automobiles and requested the TMUTCD give more considerations to all road users. Conforming to the national MUTCD, the proposed TMUTCD includes new content for vulnerable road users and updates to improve safety for all road users. No related revisions were made to the proposed TMUTCD.

27. One comment requested a comprehensive overhaul of the national MUTCD by the US Department of Transportation to focus more on equity and accessibility. The TMUTCD is required by federal law to be in substantial conformance with the national MUTCD. No related revisions were made to the proposed TMUTCD.

STATUTORY AUTHORITY

The amendments are adopted under Transportation Code, §201.101, which provides the Texas Transportation Commission (commission) with the authority to establish rules for the conduct of the work of the department, and more specifically, Transportation Code §544.001, which requires the commission to adopt a manual of uniform traffic control devices.

CROSS REFERENCE TO STATUTE

Transportation Code, Chapter 544

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 13, 2025.

TRD-202504153

Becky Blewett

Deputy General Counsel

Texas Department of Transportation

Effective date: January 18, 2026

Proposal publication date: July 4, 2025

For further information, please call: (512) 426-9208

◆ ◆ ◆

REVIEW OF AGENCY RULES

This section contains notices of state agency rule review as directed by the Texas Government Code, §2001.039.

Included here are proposed rule review notices, which invite public comment to specified rules under review; and adopted rule review notices, which summarize public comment received as part of the review. The complete text of an agency's rule being reviewed is available in the *Texas Administrative Code* on the Texas Secretary of State's website.

For questions about the content and subject matter of rules, please contact the state agency that is reviewing the rules. Questions about the website and printed copies of these notices may be directed to the *Texas Register* office.

Proposed Rule Reviews

Texas Health and Human Services Commission

Title 1, Part 15

The Texas Health and Human Services Commission (HHSC) proposes to review and consider for readoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 1, Part 15, of the Texas Administrative Code (TAC):

Chapter 371, Medicaid and Other Health and Human Services Fraud and Abuse Program Integrity

This review is conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies, every four years, to assess whether the initial reasons for adopting a rule continue to exist. After reviewing its rules, the agency will readopt, readopt with amendments, or repeal its rules.

Comments on the review of Chapter 371, Medicaid and Other Health and Human Services Fraud and Abuse Program Integrity, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to hhsrulescoordinationoffice@hhs.texas.gov.

When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 371" in the subject line. The deadline for comments is on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register*.

The text of the rule sections being reviewed will not be published but may be found in Title 1, Part 15, of the Texas Administrative Code or on the Secretary of State's website at State Rules and Open Meetings (www.sos.texas.gov).

TRD-202504216

Jessica Miller

Director, Rules Coordination Office

Texas Health and Human Services Commission

Filed: November 18, 2025



Department of State Health Services

Title 25, Part 1

The Texas Health and Human Services Commission (HHSC), on behalf of the Texas Department of State Health Services (DSHS), proposes to review and consider for readoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 25, Part 1, of the Texas Administrative Code:

Chapter 104, Children Participating in Rodeos

This review is conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies, every four years, to assess whether the initial reasons for adopting a rule continue to exist. After reviewing its rules, the agency will readopt, readopt with amendments, or repeal its rules.

Comments on the review of Chapter 104, Children Participating in Rodeos, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to hhsrulescoordinationoffice@hhs.texas.gov.

When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 104" in the subject line. The deadline for comments is on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register*.

The text of the rule sections being reviewed will not be published but may be found in Title 25, Part 1, of the Texas Administrative Code or on the Secretary of State's website at State Rules and Open Meetings (www.sos.texas.gov).

TRD-202504170

Jessica Miller

Director, Rules Coordination Office

Department of State Health Services

Filed: November 14, 2025



The Texas Health and Human Services Commission (HHSC), on behalf of the Texas Department of State Health Services (DSHS), proposes to review and consider for readoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 25, Part 1, of the Texas Administrative Code:

Chapter 221, Meat Safety Assurance

This review is conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies, every four years, to assess whether the initial reasons for adopting a rule continue to exist. After reviewing its rules, the agency will readopt, readopt with amendments, or repeal its rules.

Comments on the review of Chapter 221, Meat Safety Assurance, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to hhsrulescoordinationoffice@hhs.texas.gov.

When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 221" in the subject line. The deadline for comments is on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register*.

The text of the rule sections being reviewed will not be published but may be found in Title 25, Part 1, of the Texas Administrative Code or on the Secretary of State's website at State Rules and Open Meetings (www.sos.texas.gov).

TRD-202504243

Jessica Miller
Director, Rules Coordination Office
Department of State Health Services
Filed: November 19, 2025



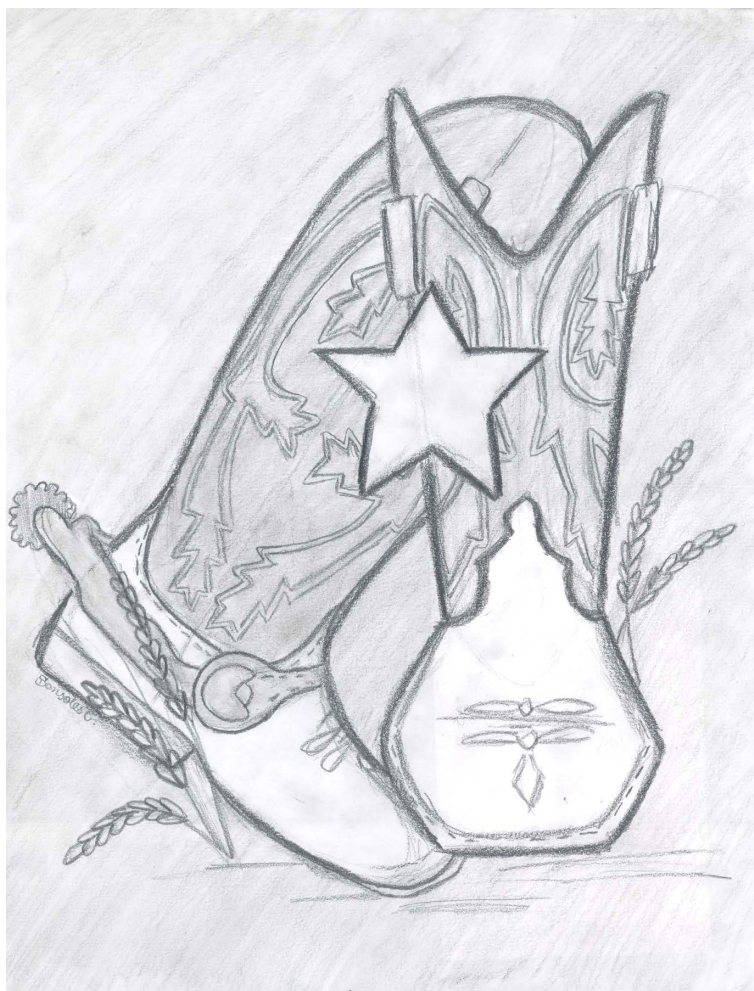
TABLES & GRAPHICS

Graphic images included in rules are published separately in this tables and graphics section. Graphic images are arranged in this section in the following order: Title Number, Part Number, Chapter Number and Section Number.

Graphic images are indicated in the text of the emergency, proposed, and adopted rules by the following tag: the word "Figure" followed by the TAC citation, rule number, and the appropriate subsection, paragraph, subparagraph, and so on.

Figure: 16 TAC §24.76(e)(11)

Meter Size	Multiplier
5/8"	1.00
3/4"	1.50
1"	2.50
1 1/2"	5.00
2"	8.00
3"	15.00
4"	25.00
6"	50.00
8"	80.00
10"	210.00
12"	265.00



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.

Texas State Affordable Housing Corporation

Draft Texas Foundation Fund Guidelines

Public Comment Needed: FY2026 Draft Texas Foundations Fund Guidelines

The 2026 Texas Foundations Fund Draft Guidelines are now available for public comment. A copy of the 2026 Texas Foundations Fund Draft Guidelines may be found on the Corporation's website at www.tsahc.org.

Please submit public comment via email to Michael Wilt at: mwilt@tsahc.org with the subject line: '2026 Texas Foundations Fund Public Comment'.

Public comment must be submitted for consideration by December 19th at 5:00 p.m..

TRD-202504219

David Long

President

Texas State Affordable Housing Corporation

Filed: November 18, 2025

Office of Consumer Credit Commissioner

Notice of Rate Ceilings

The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in §303.003, §303.009, and §304.003 Texas Finance Code.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 11/24/25 - 11/30/25 is 18.00% for consumer¹ credit.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 11/24/25 - 11/30/25 is 18.00% for commercial² credit.

The postjudgment interest rate as prescribed by §304.003 for the period of 12/01/25 - 12/31/25 is 7.00%.

¹ Credit for personal, family, or household use.

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

TRD-202504231

Leslie L. Pettijohn

Commissioner

Office of Consumer Credit Commissioner

Filed: November 19, 2025

Credit Union Department

Application for a Merger or Consolidation

Notice is given that the following application has been filed with the Credit Union Department (Department) and is under consideration:

An application was received from Peco Federal Credit Union (Mineral Wells) seeking approval to merge with My Credit Union (Haslet), with the latter being the surviving credit union.

Comments or a request for a meeting by any interested party relating to an application must be submitted in writing within 30 days of the date of this publication. Any written comments must provide all information that the interested party wishes the Department to consider in evaluating the application. All information received will be weighed during consideration of the merits of an application. Comments or a request for a meeting should be addressed to the Credit Union Department, 914 East Anderson Lane, Austin, Texas 78752-1699.

TRD-202504229

Michael S. Riepen

Commissioner

Credit Union Department

Filed: November 19, 2025

Application to Expand Field of Membership

Notice is given that the following applications have been filed with the Credit Union Department (Department) and are under consideration.

An application was received from Premier America Credit Union, Chatsworth, California, to expand its field of membership. The proposal would permit persons who live, worship, work or attend school and businesses and other legal entities in Montgomery County, Texas, eligible for membership in the credit union.

An application was received from Premier America Credit Union, Chatsworth, California, to expand its field of membership. The proposal would permit persons who live, worship, work or attend school and businesses and other legal entities in Fort Bend County, Texas, eligible for membership in the credit union.

Comments or a request for a meeting by any interested party relating to an application must be submitted in writing within 30 days of the date of this publication. Credit unions that wish to comment on any application must also complete a Notice of Protest form. The form may be obtained by contacting the Department at (512) 837-9236 or downloading the form at <http://www.cud.texas.gov/page/bylaw-charter-applications>. Any written comments must provide all the information that the interested party wishes the Department to consider in evaluating the application. All information received will be weighed during consideration of the merits of an application. Comments or a request for a meeting should be addressed to the Credit Union Department, 914 East Anderson Lane, Austin, Texas 78752-1699.

TRD-202504228

Michael S. Riepen

Commissioner

Credit Union Department

Filed: November 19, 2025

Notice of Final Action Taken

In accordance with the provisions of 7 TAC §91.103, the Credit Union Department provides notice of the final action taken in the following application:

Articles of Incorporation - Approved

An application was received from Texas Dow Employees Credit Union (Lake Jackson) to amend its Articles of Incorporation relating to change in place of business. See *Texas Register* dated September 26, 2025

TRD-202504227

Michael S. Riepen
Commissioner

Credit Union Department

Filed: November 19, 2025

Texas Council for Developmental Disabilities

TCDD State Plan G-O FY27-31

Texas Council for Developmental Disabilities Seeks Input on 2027-2031 State Plan

The Texas Council for Developmental Disabilities (TCDD) is seeking public comment on the draft goals and objectives for its 2027-2031 State Plan. The plan will guide TCDD activities and priorities over the next five years. TCDD will use the plan to determine which grant projects to fund, and which issues will be the focus of public policy work.

TCDD strives to create change so that people with developmental disabilities (DD) have opportunities for independence and productivity and to be fully included in their communities. To accomplish this, TCDD works to develop a comprehensive system of service and supports in Texas and to assist communities to build the capacity to support people with DD.

To view the draft goals and objectives and to offer public comment, visit the TCDD website at www.tcdd.texas.gov.

TRD-202504232

Beth Stalvey
Executive Director

Texas Council for Developmental Disabilities

Filed: November 19, 2025

Texas Education Agency

Notice of Correction Concerning the 2026-2027 Nita M. Lowey 21st Century Community Learning Centers (CCLC), Cycle 13, Year 1 Grant Program #701-26-109

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).

The Texas Education Agency (TEA) published Request for Applications Concerning 2026-2027 Nita M. Lowey 21st Century Community Learning Centers (CCLC), Cycle 13, Year 1 Grant Program in the November 14, 2025, issue of the *Texas Register* (50 TexReg 7437).

TEA is amending the application due date. The application due date is now February 17, 2026.

Issued in Austin, Texas, on November 19, 2025.

TRD-202504234

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Filed: November 19, 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 comment on the listed Agreed Orders (AOs) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075 requires that before the commission may approve the AOs, the commission shall allow the public an opportunity to submit written comments on the proposed AOs. TWC, §7.075 requires that notice of the proposed orders and the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **January 5, 2026**. TWC, §7.075 also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A physical copy of each proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building C, 1st Floor, Austin, Texas 78753, (512) 239-2545 and at the applicable regional office listed as follows. Additionally, copies of the proposed AO can be found online by using either the Chief Clerk's eFiling System at <https://www.tceq.texas.gov/goto/efilings> or the TCEQ Commissioners' Integrated Database at <https://www.tceq.texas.gov/goto/cid>, and searching either of those databases with the proposed AO's identifying information, such as its docket number. Written comments about an AO should be sent to the enforcement coordinator designated for each AO at the commission's central office at Enforcement Division, MC 128, P.O. Box 13087, Austin, Texas 78711-3087 and must be postmarked by 5:00 p.m. on **January 5, 2026**. Written comments may also be sent to the enforcement coordinator by email to ENF-COMNT@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: Aqua Texas, Inc.; DOCKET NUMBER: 2023-1343-PWS-E; IDENTIFIER: RN101190452; LOCATION: Pearland, Brazoria County; TYPE OF FACILITY: public water supply; PENALTY: \$19,113; ENFORCEMENT COORDINATOR: Ronica Rodriguez, (512) 239-2510; REGIONAL OFFICE: 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas 78401, REGION 14 - CORPUS CHRISTI.

(2) COMPANY: BHANDARI, BASU DEV; DOCKET NUMBER: 2024-0864-PST-E; IDENTIFIER: RN102224623; LOCATION: Fort Worth, Tarrant County; TYPE OF FACILITY: operator; PENALTY: \$2,625; ENFORCEMENT COORDINATOR: Elizabeth Vanderwerken, (512) 239-5900; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(3) COMPANY: BST Senior Living West, Inc.; DOCKET NUMBER: 2025-0717-PWS-E; IDENTIFIER: RN101441376; LOCATION: San Antonio, Bexar County; TYPE OF FACILITY: public water supply; PENALTY: \$3,300; ENFORCEMENT COORDINATOR: Ronica Rodriguez, (512) 239-2510; REGIONAL OFFICE: 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas 78401, REGION 14 - CORPUS CHRISTI.

(4) COMPANY: CITGO Refining and Chemicals Company L.P.; DOCKET NUMBER: 2025-0031-AIR-E; IDENTIFIER: RN100238799; LOCATION: Corpus Christi, Nueces County; TYPE OF FACILITY: petroleum refinery; PENALTY: \$22,325; ENFORCEMENT COORDINATOR: Warda Omar, (713) 767-3763; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(5) COMPANY: City of Junction; DOCKET NUMBER: 2025-0302-PWS-E; IDENTIFIER: RN101383990; LOCATION: Junction, Kimble County; TYPE OF FACILITY: public water supply; PENALTY: \$3,675; ENFORCEMENT COORDINATOR: Obianuju Iyasele, (512) 239-5280; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(6) COMPANY: Country Terrace Water Company, Inc.; DOCKET NUMBER: 2025-0982-MWD-E; IDENTIFIER: RN101918035; LOCATION: Highlands, Harris County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: \$13,919; ENFORCEMENT COORDINATOR: Samantha Smith, (512) 239-2099; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(7) COMPANY: Energy Transfer GC NGL Fractionators LLC; DOCKET NUMBER: 2023-0185-IWD-E; IDENTIFIERS: RN106018260 and RN109902494; LOCATION: Baytown, Chambers County; TYPE OF FACILITY: oil and gas extraction facility; PENALTY: \$67,600; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$33,800; ENFORCEMENT COORDINATOR: Harley Hobson, (512) 239-1337; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(8) COMPANY: Ericksdahl Water Supply Corporation; DOCKET NUMBER: 2025-1004-PWS-E; IDENTIFIER: RN101438877; LOCATION: Stamford, Jones County; TYPE OF FACILITY: public water supply; PENALTY: \$1,712; ENFORCEMENT COORDINATOR: Katherine Argueta, (512) 239-4131; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(9) COMPANY: Flint Hills Resources Corpus Christi, LLC; DOCKET NUMBER: 2024-1069-AIR-E; IDENTIFIER: RN100235266; LOCATION: Corpus Christi, Nueces County; TYPE OF FACILITY: oil refinery; PENALTY: \$26,325; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$10,530; ENFORCEMENT COORDINATOR: Johnnie Wu, (512) 239-2524; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(10) COMPANY: Forestar Real Estate Group Inc.; DOCKET NUMBER: 2025-1196-WQ-E; IDENTIFIER: RN112032545; LOCATION: New Waverly, Walker County; TYPE OF FACILITY: construction site; PENALTY: \$1,063; ENFORCEMENT COORDINATOR: Madison Travis, (512) 239-4687; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(11) COMPANY: L&M Golf Range LLC; DOCKET NUMBER: 2024-1967-WR-E; IDENTIFIER: RN112093430; LOCATION: Arlington, Tarrant County; TYPE OF FACILITY: golf course; PENALTY: \$3,600; ENFORCEMENT COORDINATOR: Matthew

Devay, (512) 239-4632; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(12) COMPANY: Lakeion LLC; DOCKET NUMBER: 2025-0227-PWS-E; IDENTIFIER: RN101188571; LOCATION: Dickinson, Galveston County; TYPE OF FACILITY: public water supply; PENALTY: \$1,885; ENFORCEMENT COORDINATOR: Deshaune Blake, (210) 403-4033; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(13) COMPANY: Lucky Homes RV Park LLC; DOCKET NUMBER: 2025-0509-PWS-E; IDENTIFIER: RN112167556; LOCATION: Houston, Harris County; TYPE OF FACILITY: public water supply; PENALTY: \$1,739; ENFORCEMENT COORDINATOR: Katherine McKinney, (512) 239-4619; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(14) COMPANY: Oakmont Village/Saddle Mountain Water Supply Corporation; DOCKET NUMBER: 2025-0270-MLM-E; IDENTIFIER: RN101259646; LOCATION: Leakey, Real County; TYPE OF FACILITY: public water supply; PENALTY: \$550; ENFORCEMENT COORDINATOR: Deshaune Blake, (210) 403-4033; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(15) COMPANY: Orion Engineered Carbons LLC; DOCKET NUMBER: 2025-0988-IWD-E; IDENTIFIER: RN100209386; LOCATION: Orange, Orange County; TYPE OF FACILITY: carbon processing plant; PENALTY: \$16,362; ENFORCEMENT COORDINATOR: Samantha Smith, (512) 239-2099; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(16) COMPANY: Oxy Vinyls, LP; DOCKET NUMBER: 2024-0874-AIR-E; IDENTIFIER: RN100225879; LOCATION: Deer Park, Harris County; TYPE OF FACILITY: chemical manufacturing plant; PENALTY: \$10,725; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$4,290; ENFORCEMENT COORDINATOR: Kadrienn Woodard, (713) 767-3602; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(17) COMPANY: Park Sewer Company; DOCKET NUMBER: 2025-0875-MWD-E; IDENTIFIER: RN110288503; LOCATION: Midland, Midland County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: \$2,675; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$1,070; ENFORCEMENT COORDINATOR: Mistie Gonzales, (254) 761-3056; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, REGION 09 - WACO.

(18) COMPANY: Parkway Utility District; DOCKET NUMBER: 2025-0715-PWS-E; IDENTIFIER: RN102682580; LOCATION: Houston, Harris County; TYPE OF FACILITY: public water supply; PENALTY: \$550; ENFORCEMENT COORDINATOR: Ronica Rodriguez, (512) 239-2510; REGIONAL OFFICE: 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas 78401, REGION 14 - CORPUS CHRISTI.

(19) COMPANY: Ramirez Stone & Masonry LLC; DOCKET NUMBER: 2025-0826-WQ-E; IDENTIFIER: RN110935202; LOCATION: Fredericksburg, Gillespie County; TYPE OF FACILITY: aggregate production operation; PENALTY: \$9,875; ENFORCEMENT COORDINATOR: Alejandra Basave, (713) 767-3751; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(20) COMPANY: WILSON, KEVIN; DOCKET NUMBER: 2025-0268-PWS-E; IDENTIFIER: RN101274389; LOCATION:

Silsbee, Hardin County; TYPE OF FACILITY: public water supply; PENALTY: \$50; ENFORCEMENT COORDINATOR: Deshaune Blake, (210) 403-4033; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(21) COMPANY: Westwood Water Supply Corporation; DOCKET NUMBER: 2022-0604-MWD-E; IDENTIFIER: RN101610210; LOCATION: Jasper, Jasper County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: \$41,250; ENFORCEMENT COORDINATOR: Casey Cobb, (512) 239-0351; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

TRD-202504199

Gitanjali Yadav

Deputy Director, Litigation Division

Texas Commission on Environmental Quality

Filed: November 18, 2025



Combined Notice of Public Meeting and Notice of Application and Preliminary Decision for TPDES Permit for Municipal Wastewater New Permit No. WQ0016554001

APPLICATION AND PRELIMINARY DECISION. NMCV Taylor Property Investors LLC, 2225 High Lonesome, Leander, Texas 78641, has applied to the Texas Commission on Environmental Quality (TCEQ) for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016554001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 150,000 gallons per day. TCEQ received this application on May 31, 2024.

The facility will be located approximately 0.16 miles northeast of the intersection of Farm-to-Market Road 112 and Tucek Road, in Williamson County, Texas 76574. The treated effluent will be discharged to an unnamed tributary, thence to Mustang Creek, thence to Brushy Creek in Segment No. 1244 of the Brazos River Basin. The unclassified receiving water use is limited aquatic life use for the unnamed tributary. The designated uses for Segment No. 1244 are primary contact recreation, public water supply, aquifer protection, and high aquatic life use. In accordance with 30 Texas Administrative Code §307.5 and the *Procedures to Implement the Texas Surface Water Quality Standards* (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. This review has preliminarily determined that no water bodies with exceptional, high, or intermediate aquatic life uses are present within the stream reach assessed; therefore, no Tier 2 degradation determination is required. No significant degradation of water quality is expected in water bodies with exceptional, high, or intermediate aquatic life uses downstream, and existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received. This link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice. For the exact location, refer to the application.

<https://gisweb.tceq.texas.gov/LocationMapper/?marker=-97.358888,30.565277&level=18>

The TCEQ Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regu-

latory requirements. The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at City of Taylor Public Library, Public Viewing Board, 801 Vance Street, Taylor, Texas. The application, including any updates, and associated notices are available electronically at the following webpage: <https://www.tceq.texas.gov/permitting/wastewater/pending-permits/tpdes-applications>.

ALTERNATIVE LANGUAGE NOTICE. Alternative language notice in Spanish is available at <https://www.tceq.texas.gov/permitting/wastewater/plain-language-summaries-and-public-notices>. El aviso de idioma alternativo en español está disponible en <https://www.tceq.texas.gov/permitting/wastewater/plain-language-summaries-and-public-notices>.

PUBLIC COMMENT / PUBLIC MEETING. You may submit public comments about this application. The TCEQ will hold a public meeting on this application because it was requested by local legislators.

The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. A public meeting will be held and will consist of two parts, an Informal Discussion Period and a Formal Comment Period. A public meeting is not a contested case hearing under the Administrative Procedure Act. During the Informal Discussion Period, the public will be encouraged to ask questions of the applicant and TCEQ staff concerning the permit application. The comments and questions submitted orally during the Informal Discussion Period will not be considered before a decision is reached on the permit application and no formal response will be made. Responses will be provided orally during the Informal Discussion Period. During the Formal Comment Period on the permit application, members of the public may state their formal comments orally into the official record. A written response to all timely, relevant and material, or significant comments will be prepared by the Executive Director. All formal comments will be considered before a decision is reached on the permit application. A copy of the written response will be sent to each person who submits a formal comment or who requested to be on the mailing list for this permit application and provides a mailing address. Only relevant and material issues raised during the Formal Comment Period can be considered if a contested case hearing is granted on this permit application.

The Public Meeting is to be held:

Monday, January 12, 2026 at 7:00 p.m.

Williamson County Expo Center

5350 Bill Pickett Trail

Taylor, Texas 76574

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

OPPORTUNITY FOR A CONTESTED CASE HEARING. After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material or significant public comments. **Unless the application is directly referred for a contested case hearing, the response to comments will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application. If comments are received, the mailing will also provide instructions for requesting a contested case hearing or reconsideration of the Executive Director's decision.** A contested case hearing is a legal proceeding similar to a civil trial in a state district court.

TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST: your name, address, phone number; applicant's name and proposed permit number; the location and distance of your property/activities relative to the proposed facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; a list of all disputed issues of fact that you submit during the comment period; and the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify by name and physical address an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. **If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material water quality concerns submitted during the comment period.**

EXECUTIVE DIRECTOR ACTION. The Executive Director may issue final approval of the application unless a timely contested case hearing request or request for reconsideration is filed. If a timely hearing request or request for reconsideration is filed, the Executive Director will not issue final approval of the permit and will forward the application and request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

MAILING LIST. If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number; and/or (2) the mailing list for a specific county. If you wish to be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

All written public comments and public meeting requests must be submitted to the Office of the Chief Clerk, MC 105, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087 or electronically at www.tceq.texas.gov/goto/comment within 30 days from the date of newspaper publication of this notice, or by the date of the public meeting, whichever is later.

INFORMATION AVAILABLE ONLINE. For details about the status of the application, visit the Commissioners' Integrated Database at www.tceq.texas.gov/goto/cid. Search the database using the permit number for this application, which is provided at the top of this notice.

AGENCY CONTACTS AND INFORMATION. Public comments and requests must be submitted either electronically at www.tceq.texas.gov/goto/comment, or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC 105, P.O. Box 13087, Austin, Texas 78711-3087. Any personal information you submit to the TCEQ will become part of the agency's record; this

includes email addresses. For more information about this permit application or the permitting process, please call the TCEQ Public Education Program, Toll Free, at (800) 687-4040 or visit their website at www.tceq.texas.gov/goto/pep. Si desea información en español, puede llamar al (800) 687-4040.

Further information may also be obtained from NMCV Taylor Property Investors LLC at the address stated above or by calling Ms. Lauren Crone, P.E., Senior Project Manager, LJA Engineering, Inc., at (512) 439-4700.

Issuance Date: November 19, 2025

TRD-202504239

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: November 19, 2025



Combined Notice of Public Meeting and Notice of Application and Preliminary Decision for TPDES Permit for Municipal Wastewater New Permit No. WQ0016694001

APPLICATION AND PRELIMINARY DECISION. City of Paradise, 218 Main Street, Paradise, Texas 76073, has applied to the Texas Commission on Environmental Quality (TCEQ) for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016694001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 450,000 gallons per day. TCEQ received this application on December 16, 2024.

The facility will be located approximately 0.39 miles south of the intersection of East School House and State Highway 114, in the City of Paradise, in Wise County, Texas 76073. The treated effluent will be discharged to an unnamed tributary, thence to West Fork Trinity River Below Bridgeport Reservoir in Segment No. 0810 of the Trinity River Basin. The unclassified receiving water use is limited aquatic life use for the unnamed tributary. The designated uses for Segment No. 0810 are primary contact recreation, public water supply, and high aquatic life use. In accordance with 30 Texas Administrative Code §307.5 and the *Procedures to Implement the Texas Surface Water Quality Standards* (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. This review has preliminarily determined that no water bodies with exceptional, high, or intermediate aquatic life uses are present within the stream reach assessed; therefore, no Tier 2 degradation determination is required. No significant degradation of water quality is expected in water bodies with exceptional, high, or intermediate aquatic life uses downstream, and existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received. This link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice. For the exact location, refer to the application.

<https://gisweb.tceq.texas.gov/LocationMapper/?marker=-97.68221,33.142477&level=18>

The TCEQ Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The permit application, Executive Director's preliminary decision, and

draft permit are available for viewing and copying at Paradise City Hall, 218 Main Street, Paradise, in Wise County, Texas. The application, including any updates, and associated notices are available electronically at the following webpage: <https://www.tceq.texas.gov/permitting/wastewater/pending-permits/tpdes-applications>.

PUBLIC COMMENT / PUBLIC MEETING. You may submit public comments or request a public meeting about this application. The TCEQ will hold a public meeting on this application because it was requested by a local representative.

The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. A public meeting will be held and will consist of two parts, an Informal Discussion Period and a Formal Comment Period. A public meeting is not a contested case hearing under the Administrative Procedure Act. During the Informal Discussion Period, the public will be encouraged to ask questions of the applicant and TCEQ staff concerning the permit application. The comments and questions submitted orally during the Informal Discussion Period will not be considered before a decision is reached on the permit application and no formal response will be made. Responses will be provided orally during the Informal Discussion Period. During the Formal Comment Period on the permit application, members of the public may state their formal comments orally into the official record. A written response to all timely, relevant and material, or significant comments will be prepared by the Executive Director. All formal comments will be considered before a decision is reached on the permit application. A copy of the written response will be sent to each person who submits a formal comment or who requested to be on the mailing list for this permit application and provides a mailing address. Only relevant and material issues raised during the Formal Comment Period can be considered if a contested case hearing is granted on this permit application.

The Public Meeting is to be held:

Tuesday, January 13, 2026 at 7:00 p.m.

Paradise High School (Cafeteria)

338 School House Road

Paradise, Texas 76073

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

OPPORTUNITY FOR A CONTESTED CASE HEARING. After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material or significant public comments. **Unless the application is directly referred for a contested case hearing, the response to comments will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application. If comments are received, the mailing will also provide instructions for requesting a contested case hearing or reconsideration of the Executive Director's decision.** A contested case hearing is a legal proceeding similar to a civil trial in a state district court.

TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST: your name, address, phone number; applicant's name and proposed permit number; the location and distance of your property/activities relative to the proposed facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; a list of all disputed

issues of fact that you submit during the comment period; and the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify by name and physical address an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. **If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material water quality concerns submitted during the comment period.**

EXECUTIVE DIRECTOR ACTION. The Executive Director may issue final approval of the application unless a timely contested case hearing request or request for reconsideration is filed. If a timely hearing request or request for reconsideration is filed, the Executive Director will not issue final approval of the permit and will forward the application and request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

MAILING LIST. If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number; and/or (2) the mailing list for a specific county. If you wish to be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

All written public comments and public meeting requests must be submitted to the Office of the Chief Clerk, MC 105, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087 or electronically at www.tceq.texas.gov/goto/comment within 30 days from the date of newspaper publication of this notice, or by the date of the public meeting, whichever is later.

INFORMATION AVAILABLE ONLINE. For details about the status of the application, visit the Commissioners' Integrated Database at www.tceq.texas.gov/goto/cid. Search the database using the permit number for this application, which is provided at the top of this notice.

AGENCY CONTACTS AND INFORMATION. Public comments and requests must be submitted either electronically at www.tceq.texas.gov/goto/comment, or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC 105, P.O. Box 13087, Austin, Texas 78711-3087. Any personal information you submit to the TCEQ will become part of the agency's record; this includes email addresses. For more information about this permit application or the permitting process, please call the TCEQ Public Education Program, Toll Free, at (800) 687-4040 or visit their website at www.tceq.texas.gov/goto/pep. Si desea información en español, puede llamar al (800) 687-4040.

Further information may also be obtained from City of Paradise at the address stated above or by calling Mr. Harrison Willeford, City Administrator, at (940) 969-2114.

Issuance Date: November 19, 2025

TRD-202504241

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: November 19, 2025



Enforcement Orders

An agreed order was adopted regarding Raven Butene-1, LLC, Docket No. 2022-0192-IWD-E on November 18, 2025 assessing \$6,375 in administrative penalties with \$1,275 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 7-ELEVEN, INC. dba 7-Eleven Store 40988, Docket No. 2023-0126-PST-E on November 18, 2025 assessing \$938 in administrative penalties with \$187 deferred. Information concerning any aspect of this order may be obtained by contacting Bryce Huck, 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 Bhoomi Hiral Priyanshi LLC dba Sammy's In N Out, Docket No. 2023-0697-PST-E on November 18, 2025 assessing \$5,275 in administrative penalties with \$1,055 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 Hogan Truck Leasing, Inc. dba Hogan Truck Leasing Grand Prairie, Docket No. 2023-0809-PST-E on November 18, 2025 assessing \$9,526 in administrative penalties with \$1,905 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 TNPC, LLC, Docket No. 2023-0899-AIR-E on November 18, 2025 assessing \$3,375 in administrative penalties with \$675 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 Stonetown Rocky Point, LLC, Docket No. 2023-0919-MWD-E on November 18, 2025 assessing \$9,000 in administrative penalties with \$1,800 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 Haul-Brooke, Inc., Docket No. 2023-1102-MLM-E on November 18, 2025 assessing \$8,736 in administrative penalties with \$1,747 deferred. Information concerning any aspect of this order may be obtained by contacting Eresha DeSilva, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Scout Energy Management LLC, Docket No. 2023-1452-AIR-E on November 18, 2025 assessing \$6,969 in administrative penalties with \$1,393 deferred. Information concerning any aspect of this order may be obtained by contacting Krystina Sepulveda, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding North American Information Systems, Inc., Docket No. 2023-1677-PST-E on November 18, 2025 assessing \$2,828 in administrative penalties with \$565 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 OIL PATCH PETROLEUM, INC., Docket No. 2023-1708-PST-E on November 18, 2025 assessing \$8,173 in administrative penalties with \$1,634 deferred. Information concerning any aspect of this order may be obtained by contacting Lauren Little, 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 191 GREENSPOINT ENTERPRISE, INC. dba Handy Spot 3, Docket No. 2024-0103-PST-E on November 18, 2025 assessing \$2,556 in administrative penalties with \$511 deferred. Information concerning any aspect of this order may be obtained by contacting Eunice Adegele, 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 Hydrite Chemical Co., Docket No. 2024-0158-IHW-E on November 18, 2025 assessing \$3,250 in administrative penalties with \$650 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 Vencer Energy, LLC, Docket No. 2024-0477-AIR-E on November 18, 2025 assessing \$11,830 in administrative penalties with \$2,366 deferred. Information concerning any aspect of this order may be obtained by contacting Krystina Sepulveda, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding GIRL SCOUTS OF TEXAS OKLAHOMA PLAINS, INC., Docket No. 2024-0551-PWS-E on November 18, 2025 assessing \$3,437 in administrative penalties with \$687 deferred. Information concerning any aspect of this order may be obtained by contacting Corinna Willis, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Randy O'Neal and Balinda Marie O'Neal, Docket No. 2024-0721-MSW-E on November 18, 2025 assessing \$3,750 in administrative penalties with \$750 deferred. Information concerning any aspect of this order may be obtained by contacting Celicia Garza, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding LAKE FORK MARINA INC., Docket No. 2024-1052-MWD-E on November 18, 2025 assessing \$6,000 in administrative penalties with \$1,200 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 Texarkana Water Utilities, Docket No. 2024-1129-PWS-E on November 18, 2025 assessing \$5,354 in administrative penalties with \$1,070 deferred. Information concerning any aspect of this order may be obtained by contacting Kaisie Hubschmitt, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Prairie Flower, Ltd., Docket No. 2024-1278-WQ-E on November 18, 2025 assessing \$7,501 in administrative penalties with \$1,500 deferred. Information concerning any aspect of this order may be obtained by contacting Megan Crinklaw, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Jose H. Landa and Bertha Landa, Docket No. 2024-1640-PST-E on November 18, 2025 assessing \$7,299 in administrative penalties with \$1,459 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 Renda Environmental, Inc. and Trinity River Authority of Texas, Docket No. 2024-1759-SLG-E on November 18, 2025 assessing \$4,688 in administrative penalties with \$937 deferred. Information concerning any aspect of this order may be obtained by contacting Mistie Gonzales, 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 Murphy Oil USA, Inc. dba Murphy USA 5719, Docket No. 2024-1838-PST-E on November 18, 2025 assessing \$5,670 in administrative penalties with \$1,134 deferred. Information concerning any aspect of this order may be obtained by contacting Celicia Garza, 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 United Petroleum Transports, Inc., Docket No. 2025-0316-PST-E on November 18, 2025 assessing \$2,505 in administrative penalties with \$501 deferred. Information concerning any aspect of this order may be obtained by contacting Eresha DeSilva, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding William Donald Smith dba Tallows Mobile Home Park, Docket No. 2025-0425-PWS-E on November 18, 2025 assessing \$298 in administrative penalties with \$59 deferred. Information concerning any aspect of this order may be obtained by contacting Corinna Willis, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Verdego Materials Limited Liability Company, Docket No. 2025-0460-WQ-E on November 18, 2025 assessing \$11,750 in administrative penalties with \$2,350 deferred. Information concerning any aspect of this order may be obtained by contacting Alejandra Basave, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Javier Valles dba RV Park at 3616 S County Road 1223, Docket No. 2025-0514-PWS-E on November 18, 2025 assessing \$1,750 in administrative penalties with \$350

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

An agreed order was adopted regarding H & L NEW GULF, INC., Docket No. 2025-0548-PWS-E on November 18, 2025 assessing \$156 in administrative penalties with \$31 deferred. Information concerning any aspect of this order may be obtained by contacting Tessa Bond, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Lockhart, Docket No. 2025-0552-PST-E on November 18, 2025 assessing \$3,751 in administrative penalties with \$750 deferred. Information concerning any aspect of this order may be obtained by contacting Lauren Little, 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 Trent Water Works, Inc., Docket No. 2025-0604-PWS-E on November 18, 2025 assessing \$1,000 in administrative penalties with \$200 deferred. Information concerning any aspect of this order may be obtained by contacting Wyatt Throm, 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 Shah B. Bari dba Peek Road Mobile Home Park and Suzana Saladin dba Peek Mobile Home Park, Docket No. 2025-0767-PWS-E on November 18, 2025 assessing \$2,375 in administrative penalties with \$475 deferred. Information concerning any aspect of this order may be obtained by contacting Kaisie Hubschmitt, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Crowell dba City of Crowell Monofill, Docket No. 2025-0783-MSW-E on November 18, 2025 assessing \$3,376 in administrative penalties with \$675 deferred. Information concerning any aspect of this order may be obtained by contacting Eunice Adegele, 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 Utilities, Inc. of Texas, Docket No. 2025-0836-MWD-E on November 18, 2025 assessing \$7,500 in administrative penalties with \$1,500 deferred. Information concerning any aspect of this order may be obtained by contacting Mistie Gonzales, 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 Jack Neely dba Heights Water, Docket No. 2025-0960-PWS-E on November 18, 2025 assessing \$63 in administrative penalties with \$12 deferred. Information concerning any aspect of this order may be obtained by contacting Ronica Rodriguez Scott, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-202504237

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: November 19, 2025



Enforcement Orders

An agreed order was adopted regarding Nutrien US LLC F/K/A AGRIUM U.S. INC., Docket No. 2022-0389-WDW-E on November 19, 2025 assessing \$69,000 in administrative penalties with \$13,800 deferred. Information concerning any aspect of this order may be obtained by contacting Stephanie McCurley, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Energy Transfer GC NGL Fracionators LLC, Docket No. 2022-0677-AIR-E on November 19, 2025 assessing \$77,345 in administrative penalties with \$15,469 deferred. Information concerning any aspect of this order may be obtained by contacting Michael Wilkins, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding the City of Daisetta, Docket No. 2022-1688-PWS-E on November 19, 2025 assessing \$2,132 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Emerson Rinewalt, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding BC MATERIALS, L.L.C., Docket No. 2023-0151-WQ-E on November 19, 2025 assessing \$22,338 in administrative penalties with \$4,467 deferred. Information concerning any aspect of this order may be obtained by contacting Harley Hobson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Battleground Oil Specialty Terminal Company LLC, Docket No. 2023-0373-AIR-E on November 19, 2025 assessing \$43,050 in administrative penalties with \$8,610 deferred. Information concerning any aspect of this order may be obtained by contacting Desmond Martin, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding the City of Mart, Docket No. 2023-0668-MWD-E on November 19, 2025 assessing \$36,920 in administrative penalties with \$7,384 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 ETC Texas Pipeline, Ltd., Docket No. 2023-1241-AIR-E on November 19, 2025 assessing \$18,750 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Michael Wilkins, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Gerdau Ameristeel US Inc (formerly known as "Chaparral Steel Midlothian, LP"), Docket No. 2023-1288-AIR-E on November 19, 2025 assessing \$16,500 in administrative penalties with \$3,300 deferred. Information concerning any aspect of this order may be obtained by contacting Michael Wilkins, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding AIR BENGAL CORP dba Sunnys Mart 2, Docket No. 2024-0007-PST-E on November 19, 2025 assessing \$14,837 in administrative penalties with \$2,967 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.

An agreed order was adopted regarding BHARWANI INVESTMENT GROUP INC dba Kulsum's Chevron, Docket No. 2024-1191-PST-E on November 19, 2025 assessing \$27,554 in administrative penalties with \$5,510 deferred. Information concerning any aspect of this order may be obtained by contacting Celicia Garza, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding CSWR-Texas Utility Operating Company, LLC, Docket No. 2024-1605-PWS-E on November 19, 2025 assessing \$13,204 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Deshaune Blake, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Kinder Morgan Dallas Fort Worth Rail Terminal LLC, Docket No. 2024-1638-WQ-E on November 19, 2025 assessing \$9,375 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 XPO Logistics Freight, Inc., Docket No. 2024-1755-IHW-E on November 19, 2025 assessing \$105,000 in administrative penalties with \$21,000 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.

TRD-202504240

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: November 19, 2025

◆ ◆ ◆
Notice of an Application to Amend a Certificate of
Adjudication Application No. 14-1601A

Notices Issued November 4, 2025,

Kandy Phillips Dick and Risinger Property Management I, LTD (Owners/Applicants), 931 North 11th Street, Junction, Texas 76849, have applied to amend Certificate of Adjudication No. 14-1601 to add voluntary instream purpose of use to 3.69 acre-feet of water per year currently authorized for diversion. More information on the application and how to participate in the permitting process is given below.

The application was received on August 15, 2025. Partial fees were received on August 19, 2025, and additional fees were received on October 20, 2025. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on October 24, 2025.

The Executive Director has prepared a draft amendment. The draft amendment, if granted, would include special conditions including, but not limited to, priority calls for instream uses. The application and Executive Director's draft amendment are available for viewing on the TCEQ webpage at: https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/view-wr-pend-apps. Alternatively, you may request a copy of the documents by contacting the TCEQ Office of the Chief Clerk by phone at (512) 239-3300 or by mail at TCEQ OCC, Notice Team (MC-105), P.O. Box 13087, Austin, Texas 78711.

Written public comments and requests for a public meeting should be submitted to the Office of the Chief Clerk, at the address provided in the information section below by November 19, 2025. A public meeting is intended for the taking of public comment and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

The TCEQ may grant a contested case hearing on this application if a written hearing request is filed by November 19, 2025. The Executive Director may approve the application unless a written request for a contested case hearing is filed by November 19, 2025.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions for the requested amendment which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

If a hearing request is filed, the Executive Director will not issue the amendment and will forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

Written hearing requests, public comments, or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC-105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/> by entering ADJ 1601 in the search field. For information concerning the hearing process, please contact the Public Interest Counsel, MC-103, at the same address.

For additional information, individual members of the general public may contact the Public Education Program at (800) 687-4040. General information regarding the TCEQ can be found at our website at www.tceq.texas.gov. Si desea información en español, puede llamar al (800) 687-4040 o por el internet al www.tceq.texas.gov.

TRD-202504142

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: November 12, 2025



Notice of District Petition - D-08062025-015

Notice issued November 17, 2025

TCEQ Internal Control No. D-08062025-015: Preserve at Royse City, LLC, a Texas limited liability company, (Petitioner) filed a petition for creation of The Preserve Municipal Utility District of Collin County (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, §59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioner holds title to a majority in value of the land to be included in the proposed District; (2) there is one lienholder, YAS International LLC, a Texas liability company, on the property to be included in the proposed District and information provided indicates

that the lienholder consents to the creation of the proposed District; (3) the proposed District will contain approximately 151.434 acres located within Collin County, Texas; and (4) none of the land within the proposed District is within the corporate limits or extraterritorial jurisdiction of any city or town. The petition further states that the proposed District will: (1) construct, maintain and operate a waterworks system, including the purchase and sale of water, for domestic and commercial purposes; (2) construct, maintain, and operate a sanitary sewer collection, treatment and disposal system, for domestic and commercial purposes; (3) construct, install, maintain, purchase, and operate drainage and roadway facilities and improvements; and (4) construct, install, maintain, purchase and operate facilities, systems, plants, and enterprises of such additional facilities as shall be consonant with the purposes for which the proposed District is created. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioners that the cost of said project will be approximately \$36,785,645 for water, wastewater, drainage, and roads.

INFORMATION SECTION

To view the complete issued notice, view the notice on our website at www.tceq.texas.gov/agency/cc/pub_notice.html or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the website, type in the issued date range shown at the top of this document to obtain search results. The TCEQ may grant a contested case hearing on the petition if a written hearing request is filed within 30 days after the newspaper publication of the notice. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below. The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court. Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Review Team, at (512) 239-4691. Si desea información en español, puede llamar al (512) 239-0200. General information regarding TCEQ can be found at our website at www.tceq.texas.gov.

TRD-202504224

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: November 18, 2025



Notice of District Petition - D-09102025-012

Notice issued November 17, 2025

TCEQ Internal Control No. D-09102025-012: 68B LLC, a Texas limited liability company, L&S EIGHT LLC, a Texas limited liability company, and 6380 ROGERDALE LLC, a Delaware limited liability company (Petitioners) filed a petition for the creation of Harris County Improvement District No. 29 (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, §59 and Article III, §52 of the Constitution of the State of Texas; Chapter 375, Texas Local Government Code, and Chapter 49 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioners hold title to a majority in value of the land to be included in the proposed District; (2) there is no lienholder on the property; (3) the proposed District will contain approximately 70.397 acres of land, more or less, located wholly within Harris County, Texas; (4) all of the land to be included in the District is within the corporate limits of the City of Houston, Texas (City). The petition further states: the general nature of the work proposed to be done by the District at the present time is to purchase, design, construct, acquire, maintain, own, operate, repair, improve, or extend a waterworks and sanitary sewer system for residential, mixed use, and commercial purposes; and to construct, acquire, improve, extend, maintain and operate works, improvements, facilities, plants, equipment and appliances helpful or necessary to provide more adequate drainage for the proposed District, and to control, abate and amend local storm waters or other harmful excesses of waters; and such other purchase, construction, acquisition, maintenance, ownership, operation, repair, improvement and extension of such additional facilities, including parks and recreational facilities, roads, systems, plants, and enterprises as shall be consistent with the purposes for which the District is created. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioners, from the information available at this time, that the cost of said project will be approximately \$62,270,000 (\$30,640,000 for water, wastewater, and drainage facilities, \$20,430,000 for roads, and \$11,200,000 for park and recreational facilities).

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-202504225

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: November 18, 2025



Notice of District Petition - D-10202025-031

Notice issued November 7, 2025

TCEQ Internal Control No. D-10202025-031: Century Property Acquisitions, LLC, a Delaware limited liability company, (Petitioner) filed a petition for creation of Rockett Ranch Municipal Utility District of Ellis County (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, §59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioner holds title to a majority in value of the land to be included in the proposed District; (2) there is one lienholder, Frost Bank, a Texas state bank, on the property to be included in the proposed District and information provided indicates that the lienholder consents to the creation of the proposed District; (3) the proposed District will contain approximately 234.964 acres located within Ellis County, Texas; and (4) none of the land within the proposed District is within the corporate limits or extraterritorial jurisdiction of any city. The petition further states that the proposed District will: (1) purchase, construct, acquire, improve, or extend inside or outside of its boundaries any and all works, improvements, facilities, plants, equipment, and appliances necessary of helpful to supply and distribute water for municipal, domestic, and commercial purposes; (2) collect, transport, process, dispose of, and control domestic and commercial wastes; (3) gather, conduct, divert, abate, amend, and control local storm water or other local harmful excesses of water in the proposed District; (4) design, acquire, construct, finance, improve, operate, and maintain macadamized, graveled, or paved roads and turnpikes, or improvements in aid of those roads; and (5) purchase, construct, acquire, improve, or extend inside or outside of its boundaries such additional facilities, systems, plants, and enterprises as shall be consonant with all of the purposes for which the proposed District is created. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioner that the cost of said project will be approximately \$57,230,000 for water, wastewater, drainage, and roads.

INFORMATION SECTION

To view the complete issued notice, view the notice on our website at www.tceq.texas.gov/agency/cc/pub_notice.html or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the website, type in the issued date range shown at the top of this document to obtain search results. The TCEQ may grant a contested case hearing on the petition if a written hearing request is filed within 30 days after the newspaper publication of the notice. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief

description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below. The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court. Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Review Team, at (512) 239-4691. Si desea información en español, puede llamar al (512) 239-0200. General information regarding TCEQ can be found at our website at www.tceq.texas.gov.

TRD-202504141

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: November 12, 2025



Notice of District Petition - D-10222025-032

Notice issued November 18, 2025

TCEQ Internal Control No. D-10222025-032: PLI I-A, L.P, a Texas limited partnership, (Petitioner), filed a petition for the creation of Travis County Municipal Utility District No. 37 (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, §59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioner holds title to a majority in value of the land to be included in the proposed District; (2) there are no lienholders on the property to be included in the proposed District; (3) the proposed District will contain approximately 200.924 acres located within Travis County, Texas; and (4) the land within the proposed District is located outside of any city limits or the extraterritorial jurisdiction. The petition further states that the proposed District will: (1) purchase, construct, acquire, improve, or extend inside or outside of its boundary any and all works, improvements, facilities, plants, equipment, and appliances necessary or helpful to supply and distribute water for domestic, industrial, and commercial purposes; (2) collect, transport, process, dispose of and control domestic and commercial wastes; (3) gather, conduct, divert, abate, amend and control local storm water or other local harmful excesses of waters; (4) design, acquire, construct, finance, improve, operate, and maintain macadamized, graveled, or paved roads and turnpikes, or improvements in aid of those roads; purchase, construct, acquire, provide, operate, maintain, repair, improve, extend and develop park and recreational facilities for the inhabitants of the District; and (6) purchase, construct, acquire, improve, or extend inside or outside of its boundaries such additional facilities, systems, plants, and enterprises, as shall be consistent with all of the purposes for which the proposed District is created. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioner that the cost of said

project will be approximately \$52,974,700 (\$40,286,200 for water, wastewater, and drainage and \$12,688,500 for roads).

INFORMATION SECTION

To view the complete issued notice, view the notice on our website at www.tceq.texas.gov/agency/cc/pub_notice.html or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the website, type in the issued date range shown at the top of this document to obtain search results. The TCEQ may grant a contested case hearing on the petition if a written hearing request is filed within 30 days after the newspaper publication of the notice. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below. The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court. Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Review Team, at (512) 239-4691. Si desea información en español, puede llamar al (512) 239-0200. General information regarding TCEQ can be found at our website at www.tceq.texas.gov.

TRD-202504226

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: November 18, 2025



Notice of District Petition - D-10232025-043

Notice issued November 19, 2025

TCEQ Internal Control No. D-10232025-043: Riley Road (Houston) SPV, LLC, a Delaware limited liability company and DDSMK, Ltd., a Texas limited partnership, (Petitioners), filed a petition for the creation of Waller County Municipal Utility District No. 63 (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, §59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioners hold title to a majority in value of the land to be included in the proposed District; (2) there are no lienholders on the property to be included in the proposed District; (3) the proposed District will contain approximately 358.0 acres located within Waller County, Texas; and (4) the land within the proposed District is located outside of any city limits or the extraterritorial jurisdiction. The petition further states that the proposed District will: (1) purchase, design, construct, acquire, maintain, own, operate, re-

pair, improve, and extend waterworks and sanitary sewer system for residential purposes; (2) construct, acquire, improve, extend, maintain and operate works, improvements, facilities, plants, equipment and appliances helpful or necessary to provide more adequate drainage for the District; (3) control, abate, and amend local storm water or other local harmful excesses of waters; (4) purchase, construct, acquire, maintain, own, operate, repair, improve, and extend such additional facilities, including roads, parks and recreation facilities, systems, plants, and enterprises, as shall be consistent with all of the purposes for which the proposed District is created. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioners that the cost of said project will be approximately \$105,805,000 (\$92,670,000 for water, wastewater, and drainage; \$8,955,000 for roads; and \$4,180,000 for park and recreational facilities)

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-202504238

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: November 19, 2025



Notice of Opportunity to Comment on a Shutdown/Default Order of an Administrative Enforcement Action

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Shutdown/Default Order (S/DO). Texas Water Code (TWC), §26.3475, authorizes the commission to order the shutdown of any un-

derground storage tank (UST) system found to be noncompliant with release detection, spill and overflow prevention, and/or, after December 22, 1998, cathodic protection regulations of the commission, until such time as the owner/operator brings the UST system into compliance with those regulations. The commission proposes a Shutdown Order after the owner or operator of a UST facility fails to perform required corrective actions within 30 days after receiving notice of the release detection, spill, and overflow prevention, and/or after December 22, 1998, cathodic protection violations documented at the facility. The commission proposes a Default Order when the staff has sent an Executive Director's Preliminary Report and Petition (EDPRP) to an entity outlining the alleged violations, the proposed penalty, the proposed technical requirements necessary to bring the entity back into compliance, and the entity fails to request a hearing on the matter within 20 days of its receipt of the EDPRP or requests a hearing and fails to participate at the hearing. In accordance with TWC, §7.075, this notice of the proposed order and the opportunity to comment is published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **January 5, 2026**. The commission will consider any written comments received and the commission may withdraw or withhold approval of an S/DO if a comment discloses facts or considerations that indicate that consent to the proposed S/DO is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction, or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed S/DO is not required to be published if those changes are made in response to written comments.

A copy of the proposed S/DO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable regional office listed as follows. Additionally, copies of the proposed S/DO can be found online by using either the Chief Clerk's eFiling System at <https://www.tceq.texas.gov/goto/efilings> or the TCEQ Commissioners' Integrated Database at <https://www.tceq.texas.gov/goto/cid>, and searching either of those databases with the proposed S/DO's identifying information, such as its docket number. Written comments about the S/DO shall be sent to the attorney designated for the S/DO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on January 5, 2026**. The commission's attorney is available to discuss the S/DO and/or the comment procedure at the listed phone number; however, comments on the S/DO shall be submitted to the commission in **writing**.

(1) COMPANY: Complete Lube N Repair Inc. dba Econo Lube n Tune and Brakes; DOCKET NUMBER: 2021-1307-PST-E; TCEQ ID NUMBER: RN102041910; LOCATION: 9003 Huebner Road in San Antonio, Bexar County; TYPE OF FACILITY: UST system; STAFF ATTORNEY: William Hogan, Litigation, MC 175, (512) 239-5918; REGIONAL OFFICE: San Antonio Regional Office, 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

TRD-202504202

Gitanjali Yadav

Deputy Director, Litigation Division

Texas Commission on Environmental Quality

Filed: November 18, 2025



Notice of Opportunity to Comment on Agreed Orders of Administrative Enforcement Actions

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on

the listed Agreed Orders (AOs) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075, requires that before the commission may approve the AOs, the commission shall allow the public an opportunity to submit written comments on the proposed AOs. TWC, §7.075, requires that notice of the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **January 5, 2026**. TWC, §7.075, also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A physical copy of each proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable regional office listed as follows. Additionally, copies of the proposed AO can be found online by using either the Chief Clerk's eFiling System at <https://www.tceq.texas.gov/goto/efilings> or the TCEQ Commissioners' Integrated Database at <https://www.tceq.texas.gov/goto/cid>, and searching either of those databases with the proposed AO's identifying information, such as its docket number. Written comments about an AO should be sent to the attorney designated for the AO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on January 5, 2026**. The designated attorneys are available to discuss the AOs and/or the comment procedure at the listed phone numbers; however, TWC, §7.075, provides that comments on an AO shall be submitted to the commission in **writing**.

(1) COMPANY: Canyon Lake Estates Water Supply Corporation; DOCKET NUMBER: 2022-0970-PWS-E; TCEQ ID NUMBER: RN101220309; LOCATION: 1403 Fuller Drive in Canyon Lake, Comal County; TYPE OF FACILITY: a public water system; PENALTY: \$69,762; STAFF ATTORNEY: William Hogan, Litigation, MC 175, (512) 239-5918; REGIONAL OFFICE: San Antonio Regional Office, 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

(2) COMPANY: Contemporary Glass Tempering, LLC; DOCKET NUMBER: 2022-0423-MLM-E; TCEQ ID NUMBER: RN111425096; LOCATION: 800 Watson Lane East in New Braunfels, Comal County; TYPE OF FACILITY: a flat glass manufacturing facility; PENALTY: \$17,500; STAFF ATTORNEY: Marilyn Norrod, Litigation, MC 175, (512) 239-5916; REGIONAL OFFICE: San Antonio Regional Office, 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

(3) COMPANY: Scandinavian Fabrication USA, L.L.C.; DOCKET NUMBER: 2023-1510-WQ-E; TCEQ ID NUMBER: RN111801668; LOCATION: 10761 Mapleridge Drive in Dallas, Dallas County; TYPE OF FACILITY: a precision computer numerical control machining facility; PENALTY: \$4,668; STAFF ATTORNEY: Laney Foeller, Litigation, MC 175, (512) 239-6226; REGIONAL OFFICE: Dallas-Fort Worth Regional Office, 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(4) COMPANY: Terrell County Water Control and Improvement District No. 1; DOCKET NUMBER: 2022-1652-UTL-E; TCEQ ID NUMBER: RN101251437; LOCATION: 120 West Oak Street in Sanderson, Terrell County; TYPE OF FACILITY: a retail public utility, exempt utility, or provider or conveyor of potable or raw water service; PENALTY: \$575; STAFF ATTORNEY: Benjamin

Pence, Litigation, MC 175, (512) 239-2157; REGIONAL OFFICE: Midland Regional Office, 9900 West Interstate Highway 20, Suite 100, Midland, Texas 79706, (432) 570-1359.

TRD-202504209

Gitanjali Yadav

Deputy Director, Litigation Division

Texas Commission on Environmental Quality

Filed: November 18, 2025



Notice of Opportunity to Comment on an Agreed Order of Administrative Enforcement Actions

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Agreed Order (AO) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075, requires that before the commission may approve the AO, the commission shall allow the public an opportunity to submit written comments on the proposed AO. TWC, §7.075, requires that notice of the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **January 5, 2026**. TWC, §7.075, also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A physical copy of the proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable regional office listed as follows. Additionally, copies of the proposed AO can be found online by using either the Chief Clerk's eFiling System at <https://www.tceq.texas.gov/goto/efilings> or the TCEQ Commissioners' Integrated Database at <https://www.tceq.texas.gov/goto/cid>, and searching either of those databases with the proposed AO's identifying information, such as its docket number. Written comments about an AO should be sent to the attorney designated for the AO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on January 5, 2026**. The designated attorney is available to discuss the AO and/or the comment procedure at the listed phone number; however, TWC, §7.075, provides that comments on an AO shall be submitted to the commission in **writing**.

(1) COMPANY: JST Development, LLC; DOCKET NUMBER: 2023-1175-WQ-E; TCEQ ID NUMBER: RN111374997; LOCATION: south of Roxy Road and Marion Road in Ellis County; TYPE OF FACILITY: a construction site; STAFF ATTORNEY: Casey Kurnath, Litigation, MC 175, (512) 239-5932; REGIONAL OFFICE: Dallas-Fort Worth Regional Office, 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

TRD-202504203

Gitanjali Yadav

Deputy Director, Litigation Division

Texas Commission on Environmental Quality

Filed: November 18, 2025

◆ ◆ ◆

Notice of Water Quality Application - Minor Amendment -
WQ0013457001

The following notice was issued on October 28, 2025:

The following notice does not require publication in a newspaper. Written comments or requests for a public meeting may be submitted to the Office of the Chief Clerk, Mail Code 105, P.O. Box 13087, Austin Texas 78711-3087 WITHIN (30) DAYS OF THE DATE OF PUBLICATION OF THIS NOTICE IN THE *TEXAS REGISTER*.

INFORMATION SECTION

Trinity River Authority of Texas, P.O. Box 240, Arlington, Texas 76004, has applied for a minor amendment to Texas Pollutant Discharge Elimination System Permit No. WQ0013457001 to change the current Interim II phase flow from 11,500,000 gallons per day (gpd) to 12,000,000 gpd, Interim III phase flow from 16,200,000 gpd to 13,000,000 gpd; to add an Interim IV phase with 14,400,000 gpd, and to update the total phosphorus (TP) limits to a loading limit (lbs/year). The existing permit authorizes the discharge of treated domestic wastewater at an annual average flow not to exceed 16,500,000 gpd. The facility is located at 1687 North U.S. Highway 377, in the City of Roanoke, Denton County, Texas 76262.

TRD-202504143

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: November 12, 2025

◆ ◆ ◆

General Land Office

Coastal Boundary Survey - East Bay of Galveston Bay - K. Sunday

Project: East Bay of Galveston Bay - K. Sunday

Project No: Project Number: CL20250006

Project Manager: Dianna Ramirez, Upper Coast Regional Manager, General Land Office

Surveyor: Kyle C. Sunday, Licensed State Land Surveyor

Description: Coastal Boundary Survey dated September 19, 2025, delineating the littoral boundary line of Mean High Water (MHW) of the East Bay Of Galveston Bay adjacent to the Samuel Mather Survey, A-189, A-193 and A-191, the David Richardson Survey, A-219, and the Harlin Starnes Survey, A-225 Chambers County, Texas, in connection with GLO Project No. CL20250006. Centroid coordinates 29.539628°, -94.684745°, WGS84. A copy of the survey Recorded in Volume 4 at Pages 212 of the County Surveyor's Records of Chambers 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.

Signed: David Klotz, Staff Surveyor

Date: 11/5/25

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 G. Jones, Chief Clerk and Deputy Land Commissioner

Date: 11/14/25

Filed as:

Tex. Nat. Res. Code §33.136

Filed as: Chambers County, NRC Article 33.136 Sketch No. 16

Tex. Nat. Res. Code §33.136

TRD-202504177

Jennifer Jones

Chief Clerk and Deputy Land Commissioner

General Land Office

Filed: November 17, 2025

◆ ◆ ◆

**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 November 10, 2025 to November 14, 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 21, 2025. The public comment period for this project will close at 5:00 p.m. on Sunday, December 21, 2025.

Federal License and Permit Activities:

Applicant: Joseph Reeh

Location: The project would affect waters of the United States and navigable waters of the United States associated with the Aransas Channel and is located at Texas State Highway (SH) 361 Lots 3-R and 4-R in the Parrot Island Addition; in Aransas Pass, Nueces County, Texas.

Latitude and Longitude: 27.8769, -97.0950

Project Description: The overall project purpose is to construct two single-family residential homes with direct boating access to deep water and associated infrastructure. The applicant requests authorization to construct two single family residential properties with associated septic fields and driveways. A 334-foot-long and 3.25-foot-tall bulkhead would be constructed to aid in shoreline stabilization. Construction of the bulkhead, residences, and infrastructure would result in discharge of approximately 2,550 cubic yards of fill material into 0.37 acre of emergent wetland and 0.58 acre of tidal flat. Two 126-foot by 4-foot docks with 30-foot by 4-foot L-heads would be constructed from the bulkhead. Deck boards would be spaced 1-inch apart and would be 2.5 feet above mean high water. A 334-foot-long and 2-foot-tall breakwater would be constructed to protect seagrass and create oyster habitat.

The applicant offered a draft compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment. The applicant proposes to:

- a. Create and preserve 0.25 acres of tidal emergent wetland
- b. Create and preserve 0.13 acres of oyster habitat (breakwater)
- c. Avoidance, protection, and preservation of 0.453 acres of seagrass
- d. Minimization and preservation of 0.41 acres of tidal flats
- e. Minimization and preservation of 0.63 acres of open water

Type of Application: U.S. Army Corps of Engineers permit application #SWG-2025-00325. 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. Note: The consistency review for this project may be conducted by Texas Commission on Environmental Quality as part of its certification under §401 of the Clean Water Act.

CMP Project No: 25-1033-F1

Applicant: Lisa Halili - Razz Halili Trust

Location: The project would affect waters of the United States and navigable waters of the United States associated with Dickinson Bayou and is located approximately 0.30-mile southeast of the intersection of North State Highway 146 and Avenue T in San Leon; in San Leon, Galveston County, Texas.

Latitude and Longitude: 29.464254, -94.971305

Project Description: To construct a commercial docking facility to provide an area for shallow draft vessels in the Dickinson Bayou area to safely dock for storage and repairs. The applicant requests authorization for the following activities: To install 4,300 linear feet of vinyl sheet bulkhead into 0.05-acre of four estuarine emergent (EEM) wetlands (Wet 3, 6, 7, and 9), of which, 1,400 linear feet will be below the mean high water of Dickinson Bayou. The vinyl sheet pile bulkhead will measure approximately 5 feet in height above mean high water and will be installed using a vibratory hammer.

To discharge 300 cubic yards (CY) of stone material into 0.25-acre of 5 Palustrine Emergent Wetland (PEM) wetlands (Wet-3, Wet-4, Wet-6, Wet-7, and Wet-8) and into 0.35-acre of Dickinson Bayou to install 1,300 linear feet of riprap bank stabilization intermittently along the face of the bulkhead in areas where extra shoreline protection is needed. Riprap will be delivered to the site via a heavy-haul truck and installed from the land using an excavator or long reach excavator.

To discharge approximately 22 CY of concrete material into 0.2-acre of one PEM (Wet-3) to install a 1,700-foot-long by 25-foot-wide concrete boardwalk surrounding the perimeter of the new access channel and north along the property boundary shoreline to a termination point with the adjacent property. The concrete boardwalk will have anchor points installed to tie-off and moor vessels within the access channel. In order to construct the boardwalk, a concrete truck will access the construction site and pour concrete within the designated boardwalk locations.

To hydraulically and/or mechanically dredge a total of approximately 54,700 CY (3.44 acres) of material, of which 27,300 CY will be from a 1.02-acre area of Dickinson Bayou and 0.39-acre area of Wet-3 to create a new 1,000-foot-long by 150-foot-wide entrance channel to -11 feet mean low lower water (MLLW). All dredge material will be placed within three onsite upland placement areas (Disposal Area 1, Disposal Area 2, and Disposal Area 3). The height of the containment berm for each disposal area will range between 6-10 feet, depending upon amount of material placed within each disposal area and settlement of that material. Containment berms will have crests measuring approx-

imately 5-foot in width and bottom widths measuring approximately 45-65 feet in width with 3:1 side slopes.

Additionally, the applicant proposes to construct a new permanent 500-foot-long by 20-foot-wide access road constructed wholly within uplands and to stage construction equipment in a temporary one-acre construction staging area located on-site wholly within uplands.

Type of Application: U.S. Army Corps of Engineers permit application #SWG-2024-00099. 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. Note: The consistency review for this project may be conducted by Texas Commission on Environmental Quality as part of its certification under §401 of the Clean Water Act.

CMP Project No: 25-1034-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-202504180

Jennifer Jones

Chief Clerk and Deputy Land Commissioner

General Land Office

Filed: November 17, 2025



Texas Health and Human Services Commission

Public Hearing Notice

State Supported Living Centers Long Range Planning Report

PUBLIC HEARING NOTICE:

January 7, 2026

9:00 a.m.

Meeting Site:

Texas Health and Human Services Commission (HHSC)

John H. Winters Building

Public Hearing Room 125, First Floor

701 West 51st Street

Austin, Texas 78751

This meeting will be webcast. Members of the public may attend the meeting in person at the address above or access a live stream of the meeting at <https://texashhsmeetings.org/HHSWebcast>. Select the tab for the Winters Public Hearing Room Live on the date and time for this meeting. Please e-mail Webcasting@hhsc.state.tx.us if you have any problems with the webcasting function.

Agenda

1. Welcome and call to order
2. State Supported Living Centers Long Range Planning Report Draft
3. Adjourn

Public Comment: HHSC welcomes public comments pertaining to the drafted long-range planning report for State Supported Living Centers. Members of the public who would like to provide public comment may choose from the following options:

1. **Oral comments provided virtually:** Members of the public must pre-register to provide oral comments virtually during the meeting by completing a Public Comment Registration form at https://tex-ashhsm meetings.org/SSLC_Jan2026 no later than 5:00 p.m. Friday, December 19, 2025. Please mark the correct box on the Public Comment Registration form and provide your name, either the organization you are representing or that you are speaking as a private citizen, and your direct phone number. If you have completed the Public Comment Registration form, you will receive an email the day before the meeting with instructions for providing virtual public comment. Public comment is limited to three minutes. Each speaker providing oral public comments virtually must ensure their face is visible and their voice audible to the other participants while they are speaking. Each speaker must state their name and on whose behalf they are speaking (if anyone). If you pre-register to speak and wish to provide a handout before the meeting, please submit an electronic copy in accessible PDF format that will be distributed to the appropriate HHSC staff. Handouts are limited to two pages (paper size: 8.5" by 11", one side only). Handouts must be emailed to SSLCPlanning@hhsc.state.tx.us immediately after pre-registering, but no later than 5:00 p.m. Friday, December 19, 2025, and include the name of the person who will be commenting. Do not include health or other confidential information in your comments or handouts. Staff will not read handouts aloud during the meeting, but handouts will be provided to the appropriate HHSC staff.

2. **Written comments:** A member of the public who wishes to provide written public comments must email the comments to SSLCPlanning@hhsc.state.tx.us no later than 5:00 p.m. Friday, December 19, 2025. Please include your name and the organization you are representing or that you are speaking as a private citizen. Written comments are limited to two pages (paper size: 8.5" by 11", one side only). Do not include health or other confidential information in your comments. Staff will not read written comments aloud during the meeting, but comments will be provided to the appropriate HHSC staff.

3. **Oral comments provided in-person at the meeting location:** Members of the public may provide oral public comment during the meeting in person at the meeting location either by pre-registering using the form above or without pre-registering by completing a form at the entrance to the meeting room. Do not include health or other confidential information in your comments.

Note: These procedures may be revised at the discretion of HHSC

Contact: Questions regarding agenda items, content, or public hearing arrangements should be directed to Lisa Colin, Strategic Planning & Communications Program Specialist, Health and Human Services Commission, at SSLCPlanning@hhsc.state.tx.us.

This public forum is open to the public. No reservations are required, and there is no cost to attend this public forum.

People with disabilities who wish to attend the public hearing and require auxiliary aids or services should contact Lisa Colin at SSLCPlanning@hhsc.state.tx.us at least 72 hours before the public hearing so appropriate arrangements can be made.

TRD-202504158

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: November 14, 2025

◆ ◆ ◆
Department of State Health Services

Licensing Actions for Radioactive Materials

During the second 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
SACHSE	VETCOR OF TEXAS LLC	L07288	SACHSE	00	10/30/25

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	LONE STAR ENGINEERING AND TESTING LABORATORY LLC	L07287	SAN ANTONIO	00	10/28/25

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
ALLEN	TEXAS HEALTH PRESBYTERIAN HOSPITAL ALLEN	L05765	ALLEN	46	10/21/25
AUSTIN	PHARMALOGIC AUSTIN LLC	L07199	AUSTIN	06	10/30/25
BAY CITY	EQUISTAR CHEMICALS LP	L03938	BAY CITY	38	10/24/25
BEAUMONT	EXXON MOBIL CORPORATION	L02316	BEAUMONT	59	10/29/25
BORGER	SOLVAY SPECIALTY POLYMERS USA LLC	L06719	BORGER	06	10/21/25
CARROLLTON	JUBILANT DRAXIMAGE INC DBA JUBILANT RADIOPHARMA	L06943	CARROLLTON	22	10/24/25
COMANCHE	COMANCHE COUNTY MEDICAL CENTER COMPANY	L06200	COMANCHE	12	10/22/25
DALLAS	BTDI JV LLP	L06580	DALLAS	09	10/28/25
EL PASO	TEXAS ONCOLOGY PA DBA EL PASO CANCER TREATMENT CENTER – EAST	L05771	EL PASO	23	10/30/25
EL PASO	TENET HOSPITALS LIMITED DBA THE HOSPITALS OF PROVIDENCE MEMORIAL CAMPUS	L02353	EL PASO	162	10/30/25

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
FLOWER MOUND	TEXAS ONCOLOGY PA	L05526	FLOWER MOUND	38	10/29/25
GEORGETOWN	TEXAS CANCER INSTITUTE PLLC DBA TEXAS CANCER SPECIALISTS	L07207	GEORGETOWN	02	10/22/25
HEREFORD	DEAF SMITH COUNTY HOSPITAL DISTRICT DBA HEREFORD REGIONAL MEDICAL CENTER	L03111	HEREFORD	22	10/21/25
HOUSTON	AVANCE BIOSCIENCES INC	L06493	HOUSTON	04	10/15/25
HOUSTON	UNITED IMAGING HEALTHCARE NORTH	L07090	HOUSTON	15	10/22/25
HOUSTON	MEMORIAL HERMANN MEDICAL GROUP	L06430	HOUSTON	58	10/29/25
HUMBLE	MADAIAH REVANA MD PA	L03263	HUMBLE	15	10/31/25
IRVING	KLEINFELDER INC	L06960	IRVING	19	10/17/25
LAREDO	LAREDO REGIONAL MEDICAL CENTER LP DBA DOCTORS HOSPITAL OF LAREDO	L02192	LAREDO	57	10/17/25
LEWISVILLE	MED FUSION LLC	L06966	LEWISVILLE	04	10/24/25
MISSION	MISSION HOSPITAL INC DBA MISSION REGIONAL MEDICAL CENTER	L06192	MISSION	06	10/28/25
MISSION	MISSION HOSPITAL INC DBA MISSION REGIONAL MEDICAL CENTER	L06192	MISSION	07	10/30/25

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
PLANO	BHUPINDER SINGH MD PA DBA HEART AND VASCULAR CARE	L07066	PLANO	02	10/27/25
PLANO	TEXAS HEART HOSPITAL OF THE SOUTHWEST LLC DBA BAYLOR SCOTT & WHITE THE HEART HOSPITAL- PLANO	L06004	PLANO	38	10/27/25
PORT ARTHUR	MOTIVA ENTERPRISES LLC	L05211	PORT ARTHUR	32	10/30/25
SAN ANTONIO	SOUTH TEXAS RADIOLOGY IMAGING CENTERS	L00325	SAN ANTONIO	272	10/15/25
SAN ANTONIO	SOUTH TEXAS RADIOLOGY IMAGING CENTERS	L00325	SAN ANTONIO	273	10/29/25
SAN ANTONIO	VHS SAN ANTONIO PARTNERS LLC DBA BAPTIST HEALTH SYSTEM	L00455	SAN ANTONIO	279	10/23/25
STAFFORD	ALOKI ENTERPRISE INC	L06257	STAFFORD	68	10/31/25
SULPHUR SPRINGS	DYNAMIC ENGINEERING CONSULTANTS PLLC	L06684	SULPHUR SPRINGS	04	10/22/25
THORUGHOUT TX	CONSOLIDATED REINFORCEMENT LP	L06826	AUSTIN	03	10/29/25
THORUGHOUT TX	TEXAS DEPARTMENT OF TRANSPORTATION	L00197	AUSTIN	210	10/24/25
THORUGHOUT TX	ENCORE ALTA MESA, LLC	L05939	ENCINO	14	10/29/25

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
THORUGHOUT TX	BARRACUDA SPECIALTY SERVICE LLC	L06915	HUMBLE	14	10/30/25
THORUGHOUT TX	INSIGHT NDE INC	L06817	PORT LAVACA	18	10/30/25
THORUGHOUT TX	METALLURGICAL ENGINEERING SERVICES INC	L07198	RICHARDSON	02	10/30/25
THROUGHOUT TX	WEATHERFORD INTERNATIONAL LLC	L04286	BENBROOK	135	10/30/25
THROUGHOUT TX	SOUND NDT SOLUTIONS LLC	L06925	CONROE	04	10/24/25
THROUGHOUT TX	FARGO CONSULTANTS INC	L05300	DALLAS	21	10/24/25
THROUGHOUT TX	DESERT NDT LLC DBA SUPERIOR INTEGRITY SERVICES	L06462	FORT WORTH	62	10/29/25
THROUGHOUT TX	METALOGIC INSPECTION SERVICES (SOUTHWEST) LLC	L06772	HOUSTON	21	10/27/25
THROUGHOUT TX	NEXTIER COMPLETION SOLUTIONS INC	L06712	HOUSTON	34	10/22/25
THROUGHOUT TX	ATLAS TECHNICAL CONSULTANTS LLC	L06407	HOUSTON	37	10/22/25
THROUGHOUT TX	TRACERCO US LLC	L03096	PASADENA	110	10/31/25
THROUGHOUT TX	INSIGHT NDE INC	L06817	PORT LAVACA	17	10/24/25
THROUGHOUT TX	IIA NUCLEAR SERVICES INC	L05278	SAN ANTONIO	25	10/24/25
THROUGHOUT TX	ARIAS & ASSOCIATES INC DBA ARIAS GEOPROFESSIONALS	L04964	SAN ANTONIO	69	10/22/25

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	SID ACHARYA MD PA DBA CARDIOVASCULAR SPECIALISTS OF TEXAS	L05714	TEXAS CITY	09	10/22/25
THROUGHOUT TX	MEMORIAL HERMANN HEALTH SYSTEM DBA MEMORIAL HERMANN SOUTHWEST HOSPITAL	L00439	THE WOODLANDS	278	10/15/25
VICTORIA	CITIZENS MEDICAL CENTER	L00283	VICTORIA	113	10/17/25

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
MESQUITE	PRIME HEALTHCARE SERVICES- MESQUITE LLC DBA DALLAS REGIONAL MEDICAL CENTER	L06726	MESQUITE	07	10/24/25
THROUGHOUT TX	ULRICH ENGINEERS INC	L03950	HOUSTON	14	10/30/25

TRD-202504242
Molly Fudell
Deputy General Counsel
Department of State Health Services
Filed: November 19, 2025

◆ ◆ ◆
Texas Department of Insurance

Company Licensing

Application for incorporation in the state of Texas for Counterpart Insurance Company, Inc., a domestic life, fire, and/or casualty company. The home office is in Dallas, Texas.

Application for National Guardian Life Insurance Company, a foreign life, accident, and/or health company, to change its name to NGL Insurance Company. The home office is in Madison, Wisconsin.

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-202504236
Justin Beam
Chief Clerk
Texas Department of Insurance
Filed: November 19, 2025

◆ ◆ ◆
Notice of Plan Amendment Request

TAIPA Filing Request for Amendments to Texas Plan of Operation

The commissioner of insurance will consider a request by the Texas Automobile Insurance Plan Association (TAIPA) to amend its *Texas Plan of Operation*.

On August 1, 2025, the TAIPA Governing Committee voted in favor of proposed amendments to its *Texas Plan of Operation*.

View the proposed amendments here: www.tdi.texas.gov/rules/2025/exrules.html.

TDI will consider any written comments that are received by TDI no later than 5:00 p.m., central time, on December 12, 2025. Send your comments to ChiefClerk@tdi.texas.gov or to the Office of the Chief Clerk, MC: GC-CCO, Texas Department of Insurance, P.O. Box 12030, Austin, Texas 78711-2030.

To request a public hearing, submit a request before the end of the comment period to ChiefClerk@tdi.texas.gov or to the Office of the Chief Clerk, MC: GC-CCO, Texas Department of Insurance, P.O. Box 12030, Austin, Texas 78711-2030. The request for public hearing must be separate from any comments and received by TDI no later than 5:00 p.m., central time, on December 12, 2025. If TDI holds a public hearing, TDI will consider written and oral comments presented at the hearing.

TRD-202504235

Jessica Barta

General Counsel

Texas Department of Insurance

Filed: November 19, 2025



Texas Department of Licensing and Regulation

Scratch Ticket Game Number 2757 "BREAK THE BANK"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2757 is "BREAK THE BANK". The play style is "key number match".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2757 shall be \$2.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2757.

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, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 2X SYMBOL, 5X SYMBOL, \$2.00, \$4.00, \$5.00, \$8.00, \$10.00, \$15.00, \$20.00, \$50.00, \$200, \$500, \$1,000, \$3,000 and \$30,000.

D. Play Symbol Caption - The printed material appearing below each Play Symbol which explains the Play Symbol. One caption appears under each Play Symbol and is printed in caption font in black ink in positive. The Play Symbol Caption which corresponds with and verifies each Play Symbol is as follows:

Figure 1: GAME NO. 2757 - 1.2D

PLAY SYMBOL	CAPTION
01	ONE
03	THR
04	FOR
06	SIX
07	SVN
08	EGT
09	NIN
10	TEN
11	ELV
12	TLV
13	TRN
14	FTN
15	FFN
16	SXN
17	SVT
18	ETN
19	NTN
20	TWY
21	TWON
22	TWTO
23	TWTH
24	TWFR
25	TWV
26	TWSX
27	TWSV
28	TWET
29	TWNI

30	TRTY
2X SYMBOL	DBL
5X SYMBOL	WINX5
\$2.00	TWO\$
\$4.00	FOR\$
\$5.00	FIV\$
\$8.00	EGT\$
\$10.00	TEN\$
\$15.00	FFN\$
\$20.00	TWY\$
\$50.00	FFTY\$
\$200	TOHN
\$500	FVHN
\$1,000	ONTH
\$3,000	THTH
\$30,000	30TH

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 (2757), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 125 within each Pack. The format will be: 2757-0000001-001.

H. Pack - A Pack of the "BREAK THE BANK" Scratch Ticket Game contains 125 Tickets, packed in plastic shrink-wrapping and fanfolded in pages of two (2). One Ticket will be folded over to expose a front and back of one Ticket on each Pack. Please note the Packs will be in an A, B, C and D configuration.

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 "BREAK THE BANK" Scratch Ticket Game No. 2757.

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 "BREAK THE BANK" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose eighteen (18) Play Symbols. PLAY INSTRUCTIONS: A player scratches the entire play area to reveal 2 LUCKY NUMBERS Play Symbols and 8 YOUR NUMBERS Play Symbols. If the player matches any of the YOUR NUMBERS Play Symbols to either of the LUCKY NUMBERS Play Symbols, the player wins the prize for that number. If the player reveals a "2X" Play Symbol, the player wins DOUBLE the prize for that symbol. If the player reveals a "5X" Play Symbol, the player wins 5 TIMES the prize for that symbol. 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 eighteen (18) 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 eighteen (18) 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 eighteen (18) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;
 17. Each of the eighteen (18) 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 LUCKY 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., 04 and \$4).

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 two (2) 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.

2.3 Procedure for Claiming Prizes.

A. To claim a "BREAK THE BANK" Scratch Ticket Game prize of \$2.00, \$4.00, \$5.00, \$8.00, \$10.00, \$15.00, \$20.00, \$50.00, \$200 or \$500, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and may present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a \$50.00, \$200 or \$500 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

B. To claim a "BREAK THE BANK" Scratch Ticket Game prize of \$1,000, \$3,000 or \$30,000, the claimant must sign the winning Scratch Ticket and may present it at one of the Texas Lottery's Claim Centers. If the claim is validated by the Texas Lottery, payment will be made to the bearer of the validated winning Scratch Ticket for that prize upon presentation of proper identification. When paying a prize of \$600 or

more, the Texas Lottery shall file the appropriate income reporting form with the Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

C. As an alternative method of claiming a "BREAK THE BANK" 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.

D. Prior to payment by the Texas Lottery of any prize, the Texas Lottery shall deduct the amount of a delinquent tax or other money from the winnings of a prize winner who has been finally determined to be:

1. delinquent in the payment of a tax or other money to a state agency and that delinquency is reported to the Comptroller under Government Code §403.055;
2. in default on a loan made under Chapter 52, Education Code;
3. in default on a loan guaranteed under Chapter 57, Education Code; or
4. delinquent in child support payments in the amount determined by a court or a Title IV-D agency under Chapter 231, Family Code.

E. If a person is indebted or owes delinquent taxes to the State, other than those specified in the preceding paragraph, the winnings of a person shall be withheld until the debt or taxes are paid.

2.4 Allowance for Delay of Payment. The Texas Lottery may delay payment of the prize pending a final determination by the Executive Director, under any of the following circumstances:

- A. if a dispute occurs, or it appears likely that a dispute may occur, regarding the prize;
- B. if there is any question regarding the identity of the claimant;
- C. if there is any question regarding the validity of the Scratch Ticket presented for payment; or
- D. if the claim is subject to any deduction from the payment otherwise due, as described in Section 2.3.D of these Game Procedures. No liability for interest for any delay shall accrue to the benefit of the claimant pending payment of the claim.

2.5 Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a cash prize under \$600 from the "BREAK THE BANK" 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 "BREAK THE BANK" 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 24,000,000 Scratch Tickets in Scratch Ticket Game No. 2757. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2757 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$2.00	2,304,000	10.42
\$4.00	1,344,000	17.86
\$5.00	288,000	83.33
\$8.00	96,000	250.00
\$10.00	480,000	50.00
\$15.00	192,000	125.00
\$20.00	192,000	125.00
\$50.00	90,000	266.67
\$200	10,000	2,400.00
\$500	900	26,666.67
\$1,000	90	266,666.67
\$3,000	50	480,000.00
\$30,000	10	2,400,000.00

*The number of prizes in a game is approximate based on the number of tickets ordered. The number of actual prizes available in a game may vary based on number of tickets manufactured, testing, distribution, sales and number of prizes claimed.

**The overall odds of winning a prize are 1 in 4.80. The individual odds of winning for a particular prize level may vary based on sales, distribution, testing, and number of prizes claimed.

A. The actual number of Scratch Tickets in the game may be increased or decreased at the sole discretion of the Texas Lottery.

5.0 End of the Scratch Ticket Game. The Executive Director may, at any time, announce a closing date (end date) for the Scratch Ticket Game No. 2757 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. 2757, 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-202504230

Deanne Rienstra
Interim General Counsel Lottery and Charitable Bingo
Texas Department of Licensing and Regulation
Filed: November 19, 2025

Texas Department of Transportation

Statewide Transportation Improvement Program November 2025 Revision

The Texas Department of Transportation will hold a public hearing on Tuesday, December 16, 2025, at 10:00 a.m. to receive public comments on the proposed November 2025 Revision to the Statewide Transportation Improvement Program (STIP) for FY 2025 - 2028. The hearing will be conducted via electronic means. Instructions for accessing the hearing will be published on the department's website at: <https://www.txdot.gov/inside-txdot/get-involved/about/hearings-meetings.html>.

The STIP reflects the federally funded transportation projects in the FY 2025 - 2028 Transportation Improvement Programs (TIPs) for each Metropolitan Planning Organization (MPO) in the state. The STIP includes both state and federally funded projects for the nonattainment areas of Dallas-Fort Worth, El Paso, Houston and San Antonio. The STIP also contains information on federally funded projects in rural areas that are not included in any MPO area, and other statewide programs as listed.

Title 23, United States Code, §134 and §135 require each designated MPO and the state, respectively, to develop a TIP and STIP as a condition to securing federal funds for transportation projects under Title 23 or the Federal Transit Act (49 USC §5301, et seq.). Section 134 requires an MPO to develop its TIP in cooperation with the state and affected public transit operators and to provide an opportunity for interested parties to participate in the development of the program. Section 135 requires the state to develop a STIP for all areas of the state in cooperation with the designated MPOs and, with respect to non-metropolitan areas, in consultation with affected local officials, and further requires an opportunity for participation by interested parties as well as approval by the Governor or the Governor's designee.

A copy of the proposed November 2025 Revision to the FY 2025 - 2028 STIP will be available for review, at the time the notice of hearing is published, on the department's website at: <https://www.txdot.gov/in-side-txdot/division/transportation-planning/stips.html>.

Persons wishing to speak at the hearing may register in advance by notifying Enyu Li, Transportation Planning and Programming Division, at (512) 416-2298 no later than 12:00 p.m. on Monday, December 15, 2025.

Speakers will be taken in the order registered and will be limited to three minutes. Speakers who do not register in advance will be taken

at the end of the hearing. Any interested person may offer comments or testimony; however, questioning of witnesses will be reserved exclusively to the presiding authority as may be necessary to ensure a complete record. While any persons with pertinent comments or testimony will be granted an opportunity to present them during the course of the hearing, the presiding authority reserves the right to restrict testimony in terms of time or repetitive content. Groups, organizations, or associations should be represented by only one speaker. Speakers are requested to refrain from repeating previously presented testimony.

The public hearing will be conducted in English. Persons who have special communication or accommodation needs and who plan to participate in the hearing are encouraged to contact the Transportation Planning and Programming Division, at (512) 416-2298. Requests should be made at least three working days prior to the public hearing. Every reasonable effort will be made to accommodate the needs.

Interested parties who are unable to participate in the hearing may submit comments regarding the proposed November 2025 Revision to the FY 2025 - 2028 STIP to Humberto Gonzalez, P.E., Director of the Transportation Planning and Programming Division, P.O. Box 149217, Austin, Texas 78714-9217. In order to be considered, all written comments must be received at the Transportation Planning and Programming office by 4:00 p.m. on Monday, December 29, 2025.

TRD-202504154

Becky Blewett

Deputy General Counsel

Texas Department of Transportation

Filed: November 13, 2025

◆ ◆ ◆

How to Use the Texas Register

Information Available: The sections of the *Texas Register* represent various facets of state government. Documents contained within them include:

Governor - Appointments, executive orders, and proclamations.

Attorney General - summaries of requests for opinions, opinions, and open records decisions.

Texas Ethics Commission - summaries of requests for opinions and opinions.

Emergency Rules - sections adopted by state agencies on an emergency basis.

Proposed Rules - sections proposed for adoption.

Withdrawn Rules - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after the proposal publication date.

Adopted Rules - sections adopted following public comment period.

Texas Department of Insurance Exempt Filings - notices of actions taken by the Texas Department of Insurance pursuant to Chapter 5, Subchapter L of the Insurance Code.

Review of Agency Rules - notices of state agency rules review.

Tables and Graphics - graphic material from the proposed, emergency and adopted sections.

Transferred Rules - notice that the Legislature has transferred rules within the *Texas Administrative Code* from one state agency to another, or directed the Secretary of State to remove the rules of an abolished agency.

In Addition - miscellaneous information required to be published by statute or provided as a public service.

Specific explanation on the contents of each section can be found on the beginning page of the section. The division also publishes cumulative quarterly and annual indexes to aid in researching material published.

How to Cite: Material published in the *Texas Register* is referenced by citing the volume in which the document appears, the words “TexReg” and the beginning page number on which that document was published. For example, a document published on page 2402 of Volume 50 (2025) is cited as follows: 50 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2 in the lower-left hand corner of the page, would be written “50 TexReg 2 issue date,” while on the opposite page, page 3, in the lower right-hand corner, would be written “issue date 50 TexReg 3.”

How to Research: The public is invited to research rules and information of interest between 8 a.m. and 5 p.m. weekdays at the *Texas Register* office, James Earl Rudder Building, 1019 Brazos, Austin. Material can be found using *Texas Register* indexes, the *Texas Administrative Code* section numbers, or TRD number.

Both the *Texas Register* and the *Texas Administrative Code* are available online at: <https://www.sos.texas.gov>. The *Texas Register* is available in an .html version as well as a .pdf version through the internet. For website information, call the Texas Register at (512) 463-5561.

Texas Administrative Code

The *Texas Administrative Code (TAC)* is the compilation of all final state agency rules published in the *Texas Register*. Following its effective date, a rule is entered into the *Texas Administrative Code*. Emergency rules, which may be adopted by an agency on an interim basis, are not codified within the TAC.

The TAC volumes are arranged into Titles and Parts (using Arabic numerals). The Titles are broad subject categories into which the agencies are grouped as a matter of convenience. Each Part represents an individual state agency.

The complete TAC is available through the Secretary of State’s website at <http://www.sos.state.tx.us/tac>.

The Titles of the TAC, and their respective Title numbers are:

1. Administration
4. Agriculture
7. Banking and Securities
10. Community Development
13. Cultural Resources
16. Economic Regulation
19. Education
22. Examining Boards
25. Health Services
28. Insurance
30. Environmental Quality
31. Natural Resources and Conservation
34. Public Finance
37. Public Safety and Corrections
40. Social Services and Assistance
43. Transportation

How to Cite: Under the TAC scheme, each section is designated by a TAC number. For example in the citation 1 TAC §91.1: 1 indicates the title under which the agency appears in the *Texas Administrative Code*; TAC stands for the *Texas Administrative Code*; §91.1 is the section number of the rule (91 indicates that the section is under Chapter 91 of Title 1; 1 represents the individual section within the chapter).

How to Update: To find out if a rule has changed since the publication of the current supplement to the *Texas Administrative Code*, please look at the *Index of Rules*.

The *Index of Rules* is published cumulatively in the blue-cover quarterly indexes to the *Texas Register*.

If a rule has changed during the time period covered by the table, the rule’s TAC number will be printed with the *Texas Register* page number and a notation indicating the type of filing (emergency, proposed, withdrawn, or adopted) as shown in the following example.

TITLE 1. ADMINISTRATION

Part 4. Office of the Secretary of State

Chapter 91. Texas Register

1 TAC §91.1.....950 (P)

SALES AND CUSTOMER SUPPORT

Sales - To purchase subscriptions or back issues, you may contact LexisNexis Sales at 1-800-223-1940 from 7 a.m. to 7 p.m., Central Time, Monday through Friday. Subscription cost is \$1159 annually for first-class mail delivery and \$783 annually for second-class mail delivery.

Customer Support - For questions concerning your subscription or account information, you may contact LexisNexis Matthew Bender Customer Support from 7 a.m. to 7 p.m., Central Time, Monday through Friday.

Phone: (800) 833-9844

Fax: (518) 487-3584

E-mail: customer.support@lexisnexis.com

Website: www.lexisnexis.com/printcdsc



LexisNexis