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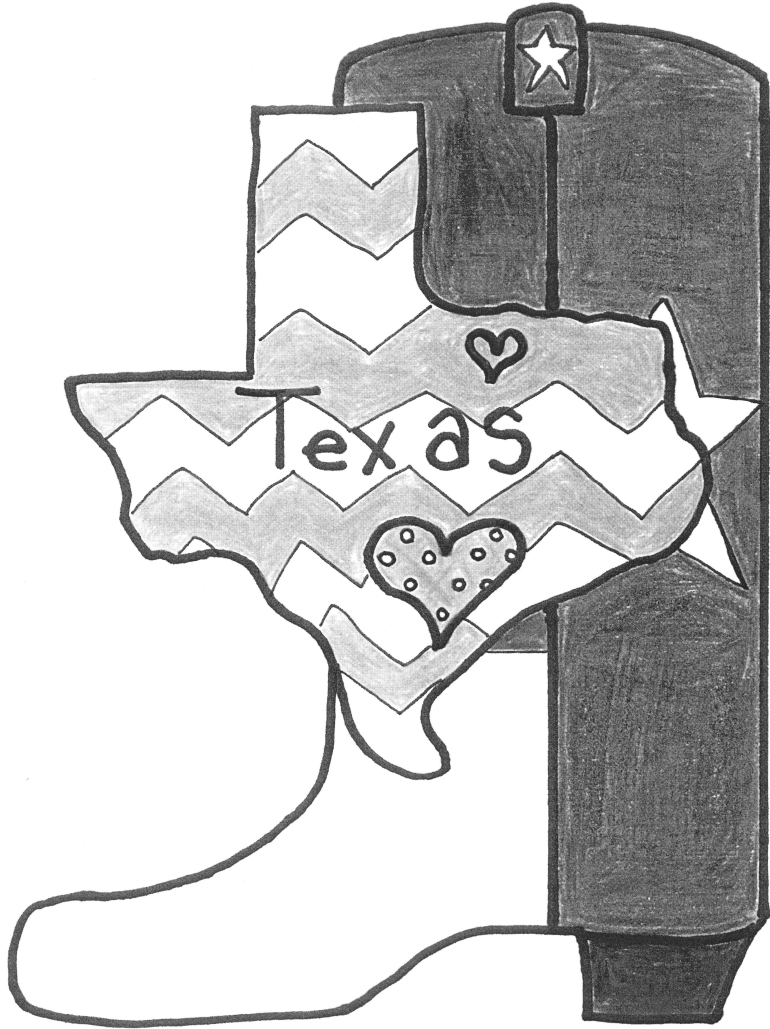
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THE GOVERNOR

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

Appointments

Appointments for January 31, 2024

Appointed to the Texas Commission on Law Enforcement of Texas for a term to expire August 30, 2027, Justin L. Berry of Austin, Texas (replacing Justin L. Berry of Austin, who resigned).

Appointed to the Texas Commission on Law Enforcement of Texas for a term to expire August 30, 2029, Janna A. Atkins of Abilene, Texas (Ms. Atkins is being reappointed).

Appointed to the Texas Commission on Law Enforcement of Texas for a term to expire August 30, 2029, Conor R. Harvey of Houston, Texas

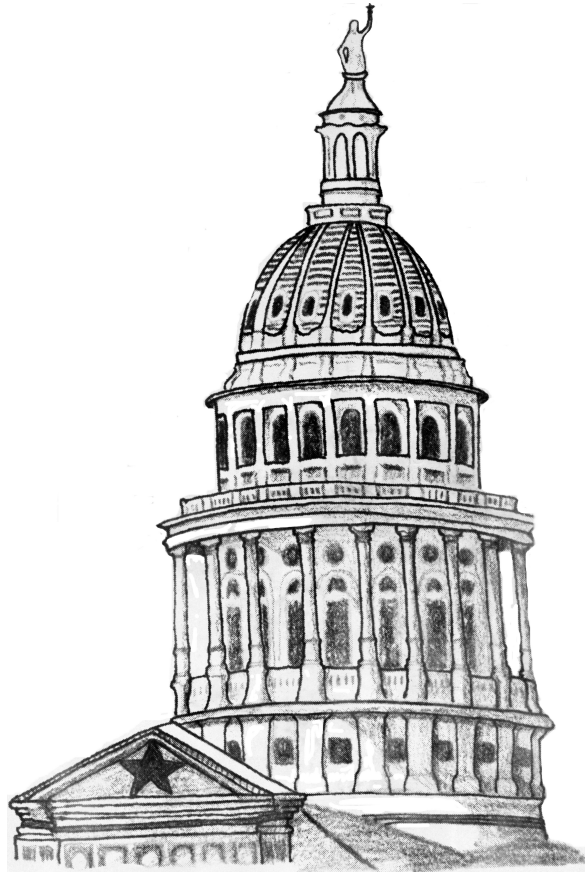
(replacing Charon "Martina" Lemond Dixon of Kingwood, whose term expired).

Appointed to the Texas Commission on Law Enforcement of Texas for a term to expire August 30, 2029, Justin A. West of League City, Texas (replacing Ronald E. "Ron" Hood of Dripping Springs, whose term expired).

Greg Abbott, Governor

TRD-202400352





THE ATTORNEY GENERAL

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

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

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

Opinions

Opinion No. KP-0454

The Honorable Brian Birdwell

Chair, Senate Committee on Natural Resources & Economic Development

Texas State Senate

Post Office Box 12068

Austin, Texas 78711-2068

Re: Whether a school district board of trustees has the authority under Education Code section 37.0811(c)(1)-(2) to adopt local procedures to allow uniformed school marshals to duty belt carry their firearm (RQ-0007-AC)

S U M M A R Y

A school district board of trustees may designate an individual to carry a handgun for the protection of students and staff by implementing a guardian plan or utilizing a school security officer. Education Code section 37.0811 provides another option for accomplishing this purpose by generally allowing a school board to appoint one or more school marshals for each campus in the district. Subsection 37.0811(c) authorizes a school marshal to possess a handgun on the physical premises of a school, but only in the manner provided by written regulations adopted by the board of trustees. A school marshal possesses a handgun when it is openly carried on the marshal's duty belt. Therefore, a court would likely conclude that Education Code subsection 37.0811(c) authorizes a board of trustees to adopt regulations that allow a school marshal to duty belt carry a handgun.

Opinion No. KP-0455

The Honorable M. Brad Dixon

Jack County Attorney

100 Main Street, Suite 312

Jacksboro, Texas 76458

Re: Determination of an "excessive discount" under Alcoholic Beverage Code subsection 102.07(c) (RQ-0004-AC)

S U M M A R Y

Alcoholic Beverage Code subsection 102.07(c) provides that no "person who owns or has an interest in the business of a package store or wine only package store, nor the agent, servant, or employee of the person, may allow an excessive discount on liquor." Absent a definition from the Alcoholic Beverage Code or guidance from the Texas Alcoholic Beverage Commission, the common meaning of the term "excessive discount" is a reduction from a regular price that is more than what is usual, proper, or normal. Accordingly, a court would likely conclude that, for purposes of subsection 102.07(c), reducing a regular price by more than what is usual, proper, or normal would be an "excessive discount" under the common meaning of the term.

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

TRD-202400332

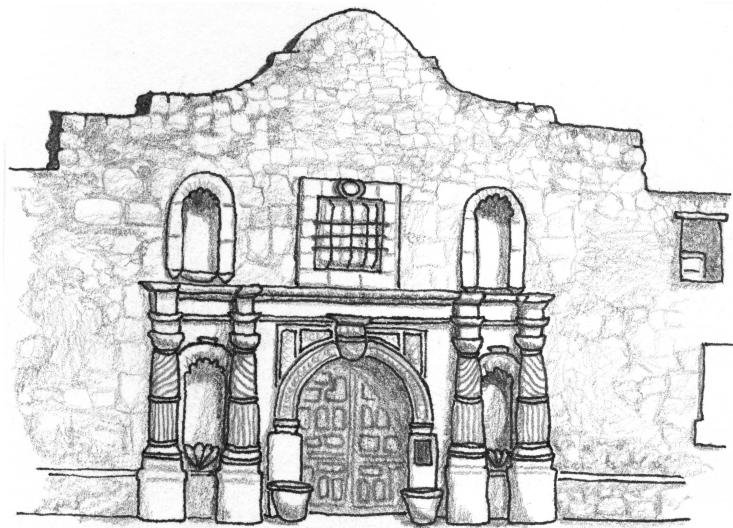
Justin Gordon

General Counsel

Office of the Attorney General

Filed: January 30, 2024





PROPOSED RULES

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

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

TITLE 1. ADMINISTRATION

PART 3. OFFICE OF THE ATTORNEY GENERAL

CHAPTER 63. PUBLIC INFORMATION

SUBCHAPTER C. ELECTRONIC

SUBMISSION OF REQUEST FOR ATTORNEY GENERAL OPEN RECORDS DECISION

1 TAC §63.21, §63.22

The Office of the Attorney General (OAG) proposes adding new provisions to Subchapter C of Chapter 63, which pertains to electronic submission of requests for attorney general open records decision under the Public Information Act (the "Act"). First, the OAG proposes new subsections §63.21(6) and (7) to define the terms "impractical" and "impossible" for purposes of Texas Government Code §552.3031(a)(2). Second, the proposal adds subsection §63.22(g) to clarify that a governmental body is not permitted to include multiple decision requests in a single electronic submission. Third, the proposal adds subsection §63.22(h) to require a written explanation if a governmental body determines it is impossible or impractical to use the attorney general's designated electronic filing system. Fourth, the proposal adds subsection §63.22(i) to prescribe the standard that certain governmental bodies must use to determine if they fall under the population-based exception to mandatory electronic filing in Texas Government Code §552.3031(a)(1)(B).

EXPLANATION AND JUSTIFICATION OF RULES

The Legislature, in the 88th Regular Session (2023), added Texas Government Code §552.3031 (H.B. 3033), which requires certain Texas governmental bodies to electronically submit requests for OAG open records decisions under the Act. Additionally, subsection 552.3031(c) permits the OAG to adopt rules necessary to implement the new section, including rules that define the amount or type of formatting that would make use of the OAG's designated electronic filing system "impractical or impossible."

SECTION-BY-SECTION SUMMARY

Proposed new §63.21(6) defines the term "impractical" for purposes of Texas Government Code §552.3031(a)(2). The definition includes files that are in a format the attorney general's designated electronic filing system cannot accept at the time of filing and conversions of paper and physical material that would take more than one hour of labor. The definition also includes exclusions for circumstances where submission of a representative sample under Texas Government Code §552.301 would

comply with the Act and avoid the issue that made submission impractical.

Proposed new §63.21(7) defines the term "impossible" for purposes of Texas Government Code §552.3031(a)(2). The definition includes provisions to address file-sizes beyond the OAG's designated electronic filing system capacity at time of submission, formats the OAG's designated electronic filing system does not support at time of submission, electronic filing system outages, and technical outages by the governmental body. The definition also includes exclusions for circumstances where submission of a representative sample under Texas Government Code §552.301 would comply with the Act and avoid the issue that made submission impossible.

Proposed new §63.22(g) specifies that each submission to the OAG's designated electronic filing system must pertain to a single matter and multiple unrelated decision requests cannot be combined into a single submission.

Proposed new §63.22(h) prescribes that a governmental body that does not use the OAG's designated electronic filing system because it is impractical or impossible shall provide a statement in its decision request that explains why it was impractical or impossible to use the system.

Proposed new §63.22(i) prescribes that if a governmental body extends into more than one county, then the governmental body shall use the population of the county in which its central administrative office is located to determine if the exception in Texas Government Code §552.3031(a)(1)(B) is applicable to the governmental body.

FISCAL IMPACT ON STATE AND LOCAL GOVERNMENTS

Tamara Smith, Division Chief for the Open Records Division, has determined that for the first five-year period the proposed rules are in effect, enforcing or administering the rules does not have foreseeable implications relating to cost or revenues of the state or local governments.

Texas Government Code §552.3031 mandates electronic submission for certain governmental bodies. Because there is a fee to electronically submit a record to the attorney general's designated electronic filing system, Texas Government Code §552.3031 will have a fiscal impact on governmental bodies that are required to electronically submit records. However, the proposed rules only clarify the requirements of Texas Government Code §552.3031 and do not expand or contract the applicability of the statute. Accordingly, the proposed rules do not have an impact beyond that of the statute.

PUBLIC BENEFIT AND COST NOTE

Ms. Tamara Smith has determined that for the first five-year period the proposed rules are in effect, the public will benefit

through clear procedures and standards for Texas governmental bodies that electronically submit records under the Act. The public can confirm compliance with these standards and use the procedures available in the Act to enforce them.

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

Texas Government Code §552.3031 mandates electronic submission for certain governmental bodies. Because there is a fee to electronically submit a record to the OAG's designated electronic filing system, Texas Government Code §552.3031 will have a cost impact on governmental bodies that are required to electronically submit records. However, the proposed rules only clarify the requirements of Texas Government Code §552.3031 and do not expand or contract the applicability of the statute. Accordingly, the proposed rules do not have an impact beyond that of the statute.

IMPACT ON LOCAL EMPLOYMENT OR ECONOMY

The Open Records Division has determined that the proposed rules do not have an impact on local employment or economies because the proposed rules impact governmental bodies. Therefore, no local employment or economy impact statement is required under Texas Government Code §2001.022.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS FOR SMALL BUSINESSES, MICROBUSINESSES, AND RURAL COMMUNITIES

The Open Records Division has determined that for each year of the first five-year period the proposed rules are in effect, there will be no foreseeable adverse fiscal impact on small business, micro-businesses, or rural communities as a result of the proposed rules.

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

TAKINGS IMPACT ASSESSMENT

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

GOVERNMENT GROWTH IMPACT STATEMENT

In compliance with Texas Government Code §2001.0221, the agency has prepared a government growth impact statement. During the first five years the proposed rules are in effect, the proposed rules:

- will not create a government program;
- will not require the creation or elimination of employee positions;
- will not require an increase or decrease in future legislative appropriations to the agency;
- will not lead to an increase or decrease in fees paid to a state agency;

- will create a new regulation;
- will not repeal an existing regulation;
- will not result in an increase or decrease in the number of individuals subject to the rule; and
- will not positively or adversely affect the state's economy.

REQUEST FOR PUBLIC COMMENT

Written comments on the proposed rules may be submitted electronically to the OAG's Open Records Division by email to openrecordsassistance@oag.texas.gov or by mail to Open Records Division, Attn: Rule Comments, Office of the Attorney General, P.O. Box 12548, Austin, Texas 78711-2548. Comments will be accepted for 30 days following publication in the *Texas Register*.

To request a public hearing on the proposal, submit a request before the end of the comment period by email to openrecordsassistance@oag.texas.gov or by mail to Open Records Division, Attn: Rule Comments, Office of the Attorney General, P.O. Box 12548, Austin, Texas 78711-2548.

STATUTORY AUTHORITY. New 1 TAC §63.21(6), §63.21(7), §63.22(f), §63.22(g), §63.22(h), and §63.22(i) are proposed pursuant to Texas Government Code §552.3031(c), which permits the OAG to adopt rules necessary to implement Texas Government Code §552.3031.

CROSS-REFERENCE TO STATUTE. New 1 TAC §63.21(6), §63.21(7), §63.22(f), §63.22(g), and §63.22(h) clarify Texas Government Code §552.3031 and affect §§552.301, .302. New 1 TAC §63.22(g), §63.22(h) and §63.22(i) clarify Texas Government Code §552.301 and affect §552.3031.

§63.21. Definitions.

The following words and terms, when used in this subchapter, shall have the following meanings:

(1) "Governmental body" means a governmental body as defined in Texas Government Code §552.003(1).

(2) "Request for decision" means a request for an attorney general open records decision made by a governmental body pursuant to Texas Government Code §552.301 and §552.309.

(3) "Requestor" means a requestor as defined in Texas Government Code §552.003(6).

(4) "Interested third party" [Interested Third Party] means any third party who wishes to submit comments, documents, or other materials for consideration in the attorney general's open records decision process under Texas Government Code §552.304 or §552.305.

(5) "Attorney general's designated electronic filing system" [Attorney General's Designated Electronic Filing System] means the online, electronic filing system designated by the attorney general as the system for submitting documents and other materials to the attorney general under Texas Government Code §552.309.

(6) "Impractical" means:

(A) the responsive information is in a format the attorney general's designated electronic filing system cannot accept at the time of filing, and the governmental body cannot otherwise comply with its procedural submission requirements through use of a representative sample under Texas Government Code §552.301(e), or

(B) the responsive information is recorded on paper or physical material that would take more than one hour of labor to convert into an electronic format that is compatible with the attorney gen-

eral's designated electronic filing system, and the governmental body cannot otherwise comply with its procedural submission requirements through use of a representative sample under Texas Government Code §552.301(e).

(7) "Impossible" means:

(A) the size of the information attachment exceeds the attorney general's designated e-filing system's capacity at time of filing, and the governmental body cannot otherwise comply with its procedural submission requirements through use of a representative sample under Texas Government Code §552.301(e), or

(B) the format of the information is not compatible the attorney general's designated e-filing system at time of filing, cannot be converted without altering the character of the information in a manner that would prevent proper review by the attorney general, and the governmental body cannot otherwise comply with its procedural submission requirements through use of a representative sample under Texas Government Code §552.301(e), or

(C) the attorney general's designated e-filing system is down at the time the governmental body attempts to submit the filing, or

(D) the governmental body is experiencing a technical outage that prevents it from e-filing at the time of the attempted submission.

§63.22. *Electronic Submission of Request for Attorney General Decision.*

(a) A governmental body that requests a decision from the attorney general under Texas Government Code §552.301 about whether requested public information is excepted from public disclosure may submit that request for decision to the attorney general through the attorney general's designated electronic filing system.

(b) The governmental body's request for decision must comply with the requirements of Texas Government Code §552.301.

(c) The deadlines in Texas Government Code §552.301 and §552.303 are met if the governmental body timely submits the required documents and other materials through the attorney general's designated electronic filing system within the time prescribed.

(d) The governmental body must comply with the requirements of Texas Government Code §552.301(d) and (e-1), and §552.305 regardless of whether the request for attorney general decision is submitted electronically or through another permissible method of submission.

(e) To use the attorney general's designated electronic filing system, the governmental body must agree to and comply with the terms and conditions of use as outlined on the attorney general's designated electronic filing system website.

(f) The confidentiality of Texas Government Code §552.3035 applies to information submitted under Texas Government Code §552.301(e)(1)(D) through the attorney general's designated electronic filing system.

(g) Each submission to the attorney general's designated electronic filing system must pertain to one decision request matter. A governmental body may not combine multiple unrelated decision requests into a single submission through the attorney general's designated electronic filing system. However, a governmental body may submit a single request for decision for multiple written requests for information if the written requests for information seek information that is identical, is based on some or all of the same facts or fact pattern, or is directly related.

(h) A governmental body who, pursuant to Texas Government Code §552.3031(a)(2), does not use the attorney general's designated electronic filing system because it is impractical or impossible shall provide a statement in its request for decision that explains why it was impractical or impossible to use the attorney general's designated electronic filing system, including the date and approximate time the governmental body attempted submission.

(i) If a governmental body extends into more than one county, then the governmental body shall use the population of the county in which its central administrative office is located to determine if Texas Government Code §552.3031(a)(1)(B) is applicable to the governmental body.

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 January 29, 2024.

TRD-202400321

Justin Gordon

General Counsel

Office of the Attorney General

Earliest possible date of adoption: March 10, 2024

For further information, please call: (512) 565-8064



PART 15. TEXAS HEALTH AND HUMAN SERVICES COMMISSION

CHAPTER 354. MEDICAID HEALTH SERVICES

SUBCHAPTER A. PURCHASED HEALTH SERVICES

DIVISION 18. MATERNITY CLINIC SERVICES

1 TAC §354.1271

The Executive Commissioner of the Texas Health and Human Services Commission (HHSC) proposes an amendment to §354.1271, concerning Benefits and Limitations.

BACKGROUND AND PURPOSE

The proposal is necessary to comply with House Bill (H.B.) 12, 88th Texas Legislature, Regular Session, 2023, which requires HHSC to provide 12 months of postpartum Medicaid coverage to all women receiving Medicaid at the time their pregnancy ends in accordance with Section 1902(e)(16) of the Social Security Act, which is a state option. If the option is elected under Medicaid, states are required to provide the same 12-month postpartum coverage to targeted low-income pregnant children in the Children's Health Insurance Program (CHIP).

SECTION-BY-SECTION SUMMARY

Subchapter A, Purchased Health Services; Division 18, Maternity Clinic Services

The proposed amendment to §354.1271 removes the reference to a 60-day timeframe for postpartum services. This change removes the 60-day clinical postpartum timeframe and specifies

that women are eligible for maternity clinic services in the postpartum period. The proposed amendment also changes the term "department" to "HHSC."

FISCAL NOTE

Trey Wood, HHSC Chief Financial Officer, has determined that for each year of the first five years that the rule will be in effect, there will be an estimated additional cost to state government 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.

The effect on state government for each year of the first five years the proposed rules are in effect is an estimated cost of \$77,594,484 in fiscal year (FY) 2024, \$333,481,844 in FY 2025, \$240,633,175 in FY 2026, \$222,167,509 in FY 2027, and \$235,754,886 in FY 2028.

GOVERNMENT GROWTH IMPACT STATEMENT

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

- (1) the proposed rule will not create or eliminate a government program;
- (2) implementation of the proposed rule will not affect the number of HHSC employee positions;
- (3) implementation of the proposed rule will result in no assumed change in future legislative appropriations;
- (4) the proposed rule will not affect fees paid to HHSC;
- (5) the proposed rule will not create a new rule;
- (6) the proposed rule will expand an existing rule;
- (7) the proposed rule will not change the number of individuals subject to the rule; and
- (8) HHS has insufficient amount of information to determine the effect of the proposed rule.

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

Trey Wood has also determined that there will be an adverse economic effect on small businesses, micro-businesses, or rural communities. HHSC has insufficient amount of information to determine the number of small businesses, micro-businesses or rural communities impacted.

This rule implements required state statute and therefore HHSC has no regulatory flexibility in the implementation.

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 receive a source of federal funds or comply with federal law; and are necessary to implement legislation that does not specifically state that §2001.0045 applies to the rule.

PUBLIC BENEFIT AND COSTS

Michelle Alletto, Chief Program and Services Officer, has determined that for each year of the first five years the rule is in effect, the public benefit will be additional months of Medicaid and CHIP coverage increasing access to health care in the postpartum pe-

riod, potentially resulting in improved health outcomes for the women and better birth outcomes in subsequent pregnancies. There could potentially be cost savings to the state if women have access to Medicaid or CHIP rather than being uninsured.

Trey Wood has also determined that for the first five years the rules are in effect, persons who are required to comply with the proposed rule may incur economic costs to come into compliance with policy, procedure, training, and record-keeping requirements. HHSC lacks sufficient data to estimate costs to persons required to comply with the rules as proposed.

TAKINGS IMPACT ASSESSMENT

HHSC has determined that 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

Written comments on the proposal may be submitted to Rules Coordination Office, P.O. Box 13247, Mail Code 4102, Austin, Texas 78711-3247, or street address 701 W. 51st Street, Austin, Texas 78751; or emailed to HHRulesCoordinationOffice@hhs.texas.gov.

To be considered, comments must be submitted no later than 31 days after the date of this issue of the *Texas Register*. Comments must be (1) postmarked or shipped before the last day of the comment period; (2) hand-delivered before 5:00 p.m. on the last working day of the comment period; or (3) emailed before midnight on the last day of the comment period. If the last day to submit comments falls on a holiday, comments must be postmarked, shipped, or emailed before midnight on the following business day to be accepted. When emailing comments, please indicate "Comments on Proposed Rule 24R001" in the subject line.

STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies; Texas Government Code §531.033, which provides the Executive Commissioner of HHSC with broad rulemaking authority; and Texas Human Resources Code §32.021(c), which provides the executive commissioner the authority to administer the federal medical assistance program in Texas and to establish methods of administration and adopt necessary rules for the proper and efficient operation of the medical assistance program.

The amendment affects Texas Government Code §531.0055, Texas Government Code §531.033, and Texas Human Resources Code §32.024.

§354.1271. *Benefits and Limitations.*

(a) Subject to the specifications, conditions, limitations, and requirements established by the Texas Health and Human Services Commission (HHSC) [the department] or its designee, maternity clinic services are those clinic services determined by a licensed physician (MD or DO) to be reasonable and medically necessary for the care of a pregnant female (patient) during the patient's prenatal period and [subsequent 60-day] postpartum period. The physician prescribing the services must be employed by or have a contractual agreement/formal arrangement with the clinic to assume professional responsibility for the services provided to the clinic's patients.

(b) The physician must see each patient and prescribe or approve each patient's plan of care. The physician must base the plan of care on a risk assessment completed by the physician or by licensed, professional clinic staff. The assessment must be based on findings obtained through a health history, laboratory/screening services, and a physical examination. HHSC [The department] or its designee establishes the criteria for assessing the patient's risk. The level of services provided to the patient must be commensurate with the risk assessment. Services must be provided on site or through referral or other formal arrangement to patients experiencing a normal pregnancy and to patients whose pregnancy places them at risk.

(c) Covered services must be furnished on an outpatient basis by the physician or by licensed, professional clinic staff under the direction of the physician. The physician and professional clinic staff must be licensed by the state in which the services are rendered. Services provided by the professional clinic staff must be within staff's scope of practice or licensure as defined by state law.

(d) Covered clinic services include, but are not necessarily limited to, risk assessment, medical services, laboratory/screening services, case coordination/outreach, nutritional counseling, psychosocial counseling, family planning counseling, and patient education regarding maternal and child health.

(e) Although the physician does not necessarily have to be present at the clinic when covered services are provided, the physician must assume professional responsibility for the services provided at the clinic and must ensure through approval of the plan of care that the services are medically appropriate. The physician must spend as much time in the clinic as is necessary to ensure that patients are receiving services in a safe and efficient manner in accordance with accepted standards of medical practice.

(f) Clinics must have arrangements for referral of non-stress test (NST), sonography, and amniocentesis for high-risk patients.

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 January 25, 2024.

TRD-202400258

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Earliest possible date of adoption: March 10, 2024

For further information, please call: (512) 206-4621



CHAPTER 366. MEDICAID ELIGIBILITY FOR WOMEN, CHILDREN, YOUTH, AND NEEDY FAMILIES

The Executive Commissioner of the Texas Health and Human Services Commission (HHSC) proposes amendments to §366.303, concerning Definitions, §366.325, concerning Medicaid Eligibility Effective Date, §366.827, concerning Medicaid Eligibility Effective Date, §366.1011, concerning Eligible Group, §366.1025, concerning Medicaid Eligibility Effective Dates, and §366.1031, concerning Eligibility Renewal.

BACKGROUND AND PURPOSE

The proposal is necessary to comply with House Bill (H.B.) 12, 88th Texas Legislature, Regular Session, 2023, which requires HHSC to provide 12 months of postpartum Medicaid coverage to all women receiving Medicaid at the time their pregnancy ends in accordance with Section 1902(e)(16) of the Social Security Act, which is a state option. If the option is elected under Medicaid, states are required to provide the same 12-month postpartum coverage to targeted low-income pregnant children in the Children's Health Insurance Program (CHIP).

SECTION-BY-SECTION SUMMARY

Subchapter C, Pregnant Women's Medicaid

The proposed amendment to §366.303 aligns HHSC rule and policy with H.B. 12 by adding a new term, "change in circumstance," to the definitions and amending the definition of "continuous coverage." As amended, the end of a recipient's pregnancy no longer qualifies as an exception to continuous coverage and is removed from the definition. The "*Texas Works Handbook*" term is also amended to update the website address. Additionally, the "Medicaid" term is amended to capitalize the word "Chapter." The subparagraphs are renumbered to account for the addition of a term.

The proposed amendment to §366.325 aligns HHSC rule and policy with H.B. 12 by modifying §366.325(3). As amended, a Medicaid recipient will receive continuous Medicaid coverage for 12-months after the pregnancy ends. Additionally, "date" is pluralized in the rule and the title.

Subchapter H, Medically Needy Program

The proposed amendment to §366.827 pluralizes "date" in the rule title, adds "effective" in the first sentence of the rule, and adds paragraph (4) which provides that once a pregnant woman meets spend down, the pregnant woman is continuously eligible through her pregnancy and the end of the month in which the 12-month postpartum period ends and is not required to meet spend down again until the end of the 12-month postpartum period. This amendment aligns HHSC rule and policy with H.B. 12 requirements to provide continuous postpartum Medicaid coverage 12-months following the end of the woman's pregnancy. Additionally, this amendment aligns with federal requirements that an individual who attained Medicaid eligibility through a spend-down while pregnant is eligible for the extended postpartum coverage even if the individual does not have sufficient incurred medical or remedial care expenses to meet their spenddown in any subsequent budget period during the pregnancy or extended postpartum period.

Subchapter J, Former Foster Care Children's Program

The proposed amendment to §366.1011 modifies the eligibility requirement that a Former Foster Care Children's Program recipient must have been under the conservatorship of "this State" to "a State" to comply with Section 1002 of Public Law 115-271.

The proposed amendment to §366.1025 adds subsection (c) providing that a pregnant Former Foster Care Children's Program recipient remains continuously eligible through the end of the 12-month postpartum period. This amendment aligns this section with H.B. 12.

The proposed amendment to §366.1031 adds that a renewal will be conducted at the end of the 12-month postpartum period if the Former Foster Care Children's Program recipient is pregnant. This amendment aligns HHSC rule and policy with H.B.

12. Additionally, the organization of the rule is amended to include subsections.

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, there will be an estimated additional cost to state government 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 cost of \$77,594,484 in fiscal year (FY) 2024, \$333,481,844 in FY 2025, \$240,633,175 in FY 2026, \$222,167,509 in FY 2027, and \$235,754,886 in FY 2028.

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 not create a new rule;
- (6) the proposed rules will expand existing rules;
- (7) the proposed rules will not change the number of individuals subject to the rules; and
- (8) HHSC has insufficient information to determine the proposed rules' effect on the state's economy.

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

Trey Wood has also determined that there will be an adverse economic effect on small businesses, micro-businesses, or rural communities. HHSC has insufficient amount of information to determine the number of small businesses, micro-businesses or rural communities impacted.

This rule implements required state statute and therefore HHSC has no regulatory flexibility in the implementation.

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 receive a source of federal funds or comply with federal law; and are necessary to implement legislation that does not specifically state that §2001.0045 applies to the rules.

PUBLIC BENEFIT AND COSTS

Michelle Alletto, Chief Program and Services Officer, has determined that for each year of the first five years the rules are in effect, the public benefit will be additional months of Medicaid and CHIP coverage increasing access to health care in the post-partum period, potentially resulting in improved health outcomes

for the women and better birth outcomes in subsequent pregnancies. There could potentially be cost savings to the state if women have access to Medicaid or CHIP rather than being uninsured.

Trey Wood 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 to come into compliance with policy, procedure, training, and record-keeping requirements. HHSC lacks sufficient data to estimate costs to persons required to comply with the rules as proposed.

TAKINGS IMPACT ASSESSMENT

HHSC has determined that 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

Written comments on the proposal may be submitted to Rules Coordination Office, P.O. Box 13247, Mail Code 4102, Austin, Texas 78711-3247, or street address 701 W. 51st Street, Austin, Texas 78751; or emailed to HHRulesCoordinationOffice@hhs.texas.gov.

To be considered, comments must be submitted no later than 31 days after the date of this issue of the *Texas Register*. Comments must be (1) postmarked or shipped before the last day of the comment period; (2) hand-delivered before 5:00 p.m. on the last working day of the comment period; or (3) emailed before midnight on the last day of the comment period. If the last day to submit comments falls on a holiday, comments must be postmarked, shipped, or emailed before midnight on the following business day to be accepted. When emailing comments, please indicate "Comments on Proposed Rule 24R001" in the subject line.

SUBCHAPTER C. PREGNANT WOMEN'S MEDICAID

1 TAC §366.303, §366.325

STATUTORY AUTHORITY

The amendments are authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies; Texas Government Code §531.033, which provides the Executive Commissioner of HHSC with broad rulemaking authority; and Texas Human Resources Code §32.021(c), which provides the executive commissioner the authority to administer the federal medical assistance program in Texas and to establish methods of administration and adopt necessary rules for the proper and efficient operation of the medical assistance program.

The amendments affect Texas Government Code §531.0055, Texas Government Code §531.033, and Texas Human Resources Code §32.024.

§366.303. Definitions.

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

(1) Applicant--A person seeking assistance under Pregnant Women's Medicaid who:

(A) has never received Medicaid and is not currently receiving Medicaid; or

(B) previously received Medicaid but subsequently was denied and reapplies for Medicaid.

(2) Authorized representative--A person or organization whom an applicant authorizes to apply for Medicaid benefits on behalf of the applicant.

(3) CFR--Code of Federal Regulations.

(4) Change in circumstance--A change in circumstance that may affect eligibility including:

(A) a change in household composition; or

(B) a change in categorical eligibility (e.g., aging out, eligibility conferred through the receipt of other program benefits).

(5) [(4)] Child--An adoptive, step, or natural child who is under 19 years of age.

(6) [(5)] Continuous coverage--Uninterrupted eligibility for the extent of the certification period regardless of any changes in circumstances, unless:

[(A) the recipient's pregnancy ends];

(A) [(B)] the recipient dies;

(B) [(C)] the recipient disenrolls voluntarily;

(C) [(D)] the recipient changes state residence;

(D) [(E)] the state has erred in the eligibility determination; or

(E) [(F)] the recipient or [the] recipient's authorized representative has committed fraud, [abuse, or] perjury, or abuse.

(7) [(6)] Eligible group--A category of people who are eligible for Pregnant Women's Medicaid.

(8) [(7)] Federal Poverty Level (FPL)--The household income guidelines issued annually and published in the *Federal Register* by the United States Department of Health and Human Services.

(9) [(8)] HHSC--The Texas Health and Human Services Commission or its designee.

(10) [(9)] Household composition--The group of individuals who are considered in determining eligibility for an applicant or recipient for certain medical programs based on tax status, tax relationships, living arrangements, and family relationships, referenced in 42 CFR §435.603(f) as "household."

(11) [(10)] Medicaid--A state and federal cooperative program, authorized under Title XIX of the Social Security Act (42 U.S.C. §1396 et seq.) and Texas Human Resources Code Chapter [chapter] 32, that pays for certain medical and health care costs for people who qualify. Also known as the medical assistance program.

(12) [(11)] Person acting responsibly--A person, other than a provider, who may apply for Medicaid on behalf of an applicant who is incompetent or incapacitated if the person is determined by HHSC to be acting responsibly on behalf of the applicant.

(13) [(12)] Recipient--A person receiving Pregnant Women's Medicaid services.

(14) [(13)] Retroactive coverage--Payment for Medicaid-reimbursable medical services received up to three months before the month of application.

(15) [(14)] *Texas Works Handbook*--An HHSC manual containing policies and procedures used to determine eligibility for

Supplemental Nutrition Assistance Program (SNAP) food benefits, Temporary Assistance for Needy Families (TANF), the Children's Health Insurance Program (CHIP), and Medicaid programs for children and families. The *Texas Works Handbook* is found on the Internet at <https://www.hhs.texas.gov/handbooks/texas-works-handbook> [www.dads.state.tx.us/handbooks/TexasWorks].

(16) [(15)] Third-party resource--A person or organization, other than HHSC or a person living with the applicant or recipient, who may be liable as a source of payment of the applicant's or recipient's medical expenses (for example, a health insurance company).

(17) [(16)] U.S.C.--United States Code.

§366.325. *Medical Eligibility Effective Dates* [Date].

HHSC determines the Medicaid eligibility effective dates [date] for an applicant as follows.[:]

(1) Medicaid coverage begins on the earliest day of the application month on which the applicant meets all eligibility criteria.

(2) Retroactive coverage may begin as early as three months before the application month.

(3) A recipient's [recipient has continuous] coverage for Medicaid remains effective through the twelfth [second] month after the pregnancy ends [terminates].

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 January 25, 2024.

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Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Earliest possible date of adoption: March 10, 2024

For further information, please call: (512) 206-4621



SUBCHAPTER H. MEDICALLY NEEDY PROGRAM

1 TAC §366.827

STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies; Texas Government Code §531.033, which provides the Executive Commissioner of HHSC with broad rulemaking authority; and Texas Human Resources Code §32.021(c), which provides the executive commissioner the authority to administer the federal medical assistance program in Texas and to establish methods of administration and adopt necessary rules for the proper and efficient operation of the medical assistance program.

The amendment affects Texas Government Code §531.0055, Texas Government Code §531.033, and Texas Human Resources Code §32.024.

§366.827. *Medicaid Eligibility Effective Dates* [Date].

HHSC determines Medicaid eligibility effective dates for an applicant as follows. [:]

(1) Medicaid coverage begins on the earliest day of the application month on which the applicant meets all eligibility criteria.

(2) Retroactive coverage may begin as early as three months before the application month.

(3) The Medicaid coverage of an applicant whose household income, as calculated under §366.1113 of this chapter (relating to Calculation of Household Income), exceeds the Medically Needy Income Limits (MNIL) may spend down the excess amount of income to pay unpaid medical bills and qualify for Medicaid. Medicaid begins on the earliest day of the month of potential eligibility on which spend down requirements are met.

(4) Once a pregnant woman meets spend down, she remains continuously eligible through her pregnancy and the end of the month in which the 12-month postpartum period ends and is not required to meet spend down again until the end of her 12-month postpartum period.

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 January 25, 2024.

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Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Earliest possible date of adoption: March 10, 2024

For further information, please call: (512) 206-4621



SUBCHAPTER J. FORMER FOSTER CARE CHILDREN'S PROGRAM

1 TAC §§366.1011, 366.1025, 366.1031

STATUTORY AUTHORITY

The amendments are authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies; Texas Government Code §531.033, which provides the Executive Commissioner of HHSC with broad rulemaking authority; and Texas Human Resources Code §32.021(c), which provides the executive commissioner the authority to administer the federal medical assistance program in Texas and to establish methods of administration and adopt necessary rules for the proper and efficient operation of the medical assistance program.

The amendments affect Texas Government Code §531.0055, Texas Government Code §531.033, and Texas Human Resources Code §32.024.

§366.1011. Eligible Group.

To be eligible for the Former Foster Care Children's Program, a person must:

(1) have been under the conservatorship of a [of this] State upon attaining age 18;

(2) have received Medicaid at the time he or she left foster care; and

(3) be 18 to 25 years of age (coverage continues through the month of his or her 26th birthday).

§366.1025. Medicaid Eligibility Effective Dates.

(a) Medicaid eligibility begins the first month the person meets all eligibility criteria as long as the person is not eligible for and receiving other Medicaid coverage.

(b) A person eligible for the Former Foster Care Children's Program is also eligible for retroactive coverage but no earlier than January 1, 2014.

(c) A pregnant recipient in the Former Foster Care Children's Program remains continuously eligible through the duration of the member's pregnancy and the end of the 12-month postpartum period.

§366.1031. Eligibility Renewal.

(a) At 12 months, HHSC determines whether the recipient is still eligible to receive Medicaid coverage.

(b) If the recipient is pregnant and eligible to receive continuous eligibility, a renewal review will be conducted at the end of the recipient's 12-month postpartum period to determine if the individual is still eligible to receive Medicaid coverage.

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 January 25, 2024.

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Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Earliest possible date of adoption: March 10, 2024

For further information, please call: (512) 206-4621



CHAPTER 370. STATE CHILDREN'S HEALTH INSURANCE PROGRAM

The Executive Commissioner of the Texas Health and Human Services Commission (HHSC) proposes amendments to §370.42, concerning Age Limits, §370.49, concerning Medicaid Referrals for Pregnant CHIP Members, §370.60, concerning Renewal, and §370.307, concerning Continuous Enrollment Period.

BACKGROUND AND PURPOSE

The proposal is necessary to comply with House Bill (H.B.) 12, 88th Texas Legislature, Regular Session, 2023, which requires HHSC to provide 12 months of postpartum Medicaid coverage to all women receiving Medicaid at the time their pregnancy ends in accordance with Section 1902(e)(16) of the Social Security Act, which is a state option. If the option is elected under Medicaid, states are required to provide the same 12-month postpartum coverage to targeted low-income pregnant children in the Children's Health Insurance Program (CHIP).

SECTION-BY-SECTION SUMMARY

Subchapter B, Application Screening, Referral, Processing, Renewal, and Disenrollment; Division 4, Eligibility Criteria

The proposed amendment to §370.42 adds subsection (b) to state that a pregnant CHIP member is eligible to receive CHIP for 12-months following the end of the pregnancy even if the CHIP member reaches age nineteen.

The proposed amendment to §370.49 retitles the name of the rule to "Pregnant CHIP Members," removes information about Medicaid referrals for pregnant CHIP members and modifies CHIP member's eligibility from two-months to the 12th month following the end of the member's pregnancy to align this section with H.B. 12. Additionally, new paragraph (2) is added to provide that if a CHIP member voluntarily elects to end their CHIP enrollment during the postpartum period, the member will no longer be eligible to receive continuous eligibility for the remainder of the member's postpartum period. The rule text is also amended to the singular.

Subchapter B, Application Screening, Referral, Processing, Renewal, and Disenrollment; Division 6, Renewal Process

The proposed amendment to §370.60 adds subsection (b) that a renewal will be conducted at the end of the 12-month postpartum period if the CHIP member is pregnant. Additionally, subsection (a) is amended to replace the term "recipient" with "member."

Subchapter C, Enrollment, Renewal, Disenrollment, and Cost Sharing; Division 1, Enrollment and Disenrollment

The proposed amendment to §370.307 adds subsection (b) stating that a pregnant member enrolled in CHIP is eligible to receive coverage until the end of the postpartum period even if they turn age nineteen and modifies the exceptions to the continuous enrollment period in CHIP by removing current (b)(3), (b)(7), and (b)(10), and adding (b)(8). The subparagraphs are renumbered to account for the removal.

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, there will be an estimated additional cost to state government as a result of enforcing and administering the rules as proposed. Enforcing or administering the rules do 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 cost of \$77,594,484 in fiscal year (FY) 2024, \$333,481,844 in FY 2025, \$240,633,175 in FY 2026, \$222,167,509 in FY 2027, and \$235,754,886 in FY 2028.

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 not create a new rule;
- (6) the proposed rules will expand existing rules;
- (7) the proposed rules will not change the number of individuals subject to the rules; and

(8) HHSC has insufficient information to determine the proposed rules' effect on the state's economy.

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

Trey Wood has also determined that there will be an adverse economic effect on small businesses, micro-businesses, or rural communities. HHSC has insufficient amount of information to determine the number of small businesses, micro-businesses or rural communities impacted.

This rule implements required state statute and therefore HHSC has no regulatory flexibility in the implementation.

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 receive a source of federal funds or comply with federal law; and are necessary to implement legislation that does not specifically state that §2001.0045 applies to the rule.

PUBLIC BENEFIT AND COSTS

Michelle Alletto, Chief Program and Services Officer, has determined that for each year of the first five years the rule is in effect, the public benefit will be additional months of Medicaid and CHIP coverage increasing access to health care in the postpartum period, potentially resulting in improved health outcomes for the women and better birth outcomes in subsequent pregnancies. There could potentially be cost savings to the state if women have access to Medicaid or CHIP rather than being uninsured.

Trey Wood has also determined that for the first five years the rules are in effect, persons who are required to comply with the proposed rule may incur economic costs to come into compliance with policy, procedure, training, and record-keeping requirements. HHSC lacks sufficient data to estimate costs to persons required to comply with the rules as proposed.

TAKINGS IMPACT ASSESSMENT

HHSC has determined that 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

Written comments on the proposal may be submitted to Rules Coordination Office, P.O. Box 13247, Mail Code 4102, Austin, Texas 78711-3247, or street address 701 W. 51st Street, Austin, Texas 78751; or emailed to HHRulesCoordinationOffice@hhs.texas.gov.

To be considered, comments must be submitted no later than 31 days after the date of this issue of the *Texas Register*. Comments must be (1) postmarked or shipped before the last day of the comment period; (2) hand-delivered before 5:00 p.m. on the last working day of the comment period; or (3) emailed before midnight on the last day of the comment period. If the last day to submit comments falls on a holiday, comments must be postmarked, shipped, or emailed before midnight on the following business day to be accepted. When emailing comments, please indicate "Comments on Proposed Rule 24R001" in the subject line.

SUBCHAPTER B. APPLICATION
SCREENING, REFERRAL, PROCESSING,
RENEWAL, AND DISENROLLMENT
DIVISION 4. ELIGIBILITY CRITERIA

1 TAC §370.42, §370.49

STATUTORY AUTHORITY

The amendments are authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies; Texas Government Code §531.033, which provides the Executive Commission with broad rulemaking authority; and Texas Health and Safety Code Chapters 62 and 63, which provide HHSC with the authority to administer CHIP in Texas and adopt rules as necessary to implement the chapters.

The amendments affect Texas Government Code §531.0055, Texas Government Code §531.033, and Texas Health and Safety Code Chapters 62 and 63.

§370.42. *Age Limits.*

(a) A child can be eligible for CHIP from the day the child is born until the end of the month in which the child reaches age nineteen.

(b) A pregnant CHIP member is eligible to receive coverage until the end of their 12-month postpartum period even if the member turns nineteen years old.

§370.49. *Pregnant CHIP Members [Medicaid Referrals for Pregnant CHIP Members].*

A pregnant [Pregnant] CHIP member [members] may be determined eligible for Medicaid [referred for a Medicaid eligibility determination]. A [Those] pregnant CHIP member [members] who is [are] determined to be Medicaid eligible will be disenrolled from CHIP. Medicaid coverage will be coordinated to begin when CHIP enrollment ends to avoid gaps in health care coverage. In the event HHSC or its designee remains unaware of a member's pregnancy until delivery, the delivery will be covered by CHIP. HHSC or its designee will set the mother's eligibility expiration date at the later of:

(1) the end of the twelfth [second] month after [following] the end of a [month of the baby's birth or the] pregnancy [termination]; or

(2) if the CHIP member voluntarily elects to end the member's CHIP enrollment during the member's extended postpartum period, the individual is not eligible to receive continuous eligibility in Medicaid for the remainder of the member's 12-month postpartum period.

[(2) the date when the mother's eligibility would have expired.]

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 January 25, 2024.

TRD-202400260

Karen Ray
Chief Counsel
Texas Health and Human Services Commission
Earliest possible date of adoption: March 10, 2024
For further information, please call: (512) 206-4621



DIVISION 6. RENEWAL PROCESS

1 TAC §370.60

STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies; Texas Government Code §531.033, which provides the Executive Commission with broad rulemaking authority; and Texas Health and Safety Code Chapters 62 and 63, which provide HHSC with the authority to administer CHIP in Texas and adopt rules as necessary to implement the chapters.

The amendment affects Texas Government Code §531.0055, Texas Government Code §531.033, and Texas Health and Safety Code Chapters 62 and 63.

§370.60. *Renewal.*

(a) Every 12 months, HHSC redetermines if the member [recipient] is still eligible to receive CHIP services.

(b) If the CHIP member is pregnant and eligible to receive continuous eligibility, a renewal will be conducted at the end of the recipient's 12-month postpartum period.

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 January 25, 2024.

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Karen Ray
Chief Counsel
Texas Health and Human Services Commission
Earliest possible date of adoption: March 10, 2024
For further information, please call: (512) 206-4621



SUBCHAPTER C. ENROLLMENT, RENEWAL,
DISENROLLMENT, AND COST SHARING
DIVISION 1. ENROLLMENT AND
DISENROLLMENT

1 TAC §370.307

STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies; Texas Government Code §531.033, which provides the Executive Commission with broad rulemaking authority; and Texas Health and Safety Code Chapters 62 and 63, which provide HHSC

with the authority to administer CHIP in Texas and adopt rules as necessary to implement the chapters.

The amendment affects Texas Government Code §531.0055, Texas Government Code §531.033, and Texas Health and Safety Code Chapters 62 and 63.

§370.307. *Continuous Enrollment Period.*

(a) CHIP enrollment always begins on the first calendar day of the month and continues for a period up to 12 consecutive months.

(b) A pregnant CHIP member is eligible to receive coverage until the end of the member's 12-month postpartum period even if the member turns nineteen years old.

(c) ~~[(b)]~~ Exceptions to continuous enrollment include, but are not limited to:

(1) a sibling member in the home has an earlier initial date of coverage, in which case the coverage period for the newly enrolled child will be the remaining period of coverage of the already enrolled sibling;

(2) aging out when the member turns 19;

~~[(3) change in health or dental insurance status (parent acquires employer coverage);]~~

(3) ~~[(4)]~~ family moves out of state;

(4) ~~[(5)]~~ death of the member;

(5) ~~[(6)]~~ data match reveals member is enrolled in both CHIP and Medicaid;

~~[(7) notification of member's pregnancy;]~~

(6) ~~[(8)]~~ failure to drop current health insurance if member was determined to be CHIP-eligible due to the 10 percent rule regarding the cost of the current insurance;

(7) ~~[(9)]~~ direction by HHSC based on evidence that the member's original eligibility determination was incorrect; or

(8) child becomes eligible for Medicaid.

~~[(10) member becomes a resident of an institution as defined in 42 C.F.R. §457.310(e)(2).]~~

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 January 25, 2024.

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Karen Ray

Chief Counsel

Texas Health and Human Services Commission

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For further information, please call: (512) 206-4621



TITLE 16. ECONOMIC REGULATION

PART 3. TEXAS ALCOHOLIC BEVERAGE COMMISSION

CHAPTER 45. MARKETING PRACTICES

SUBCHAPTER A. GENERAL PROVISIONS

16 TAC §45.4

The Texas Alcoholic Beverage Commission (TABC) proposes to amend 16 TAC §45.4, relating to Product Registration Required. The proposed amendment is necessary to implement Senate Bills 1322 and 1932 from the 88th Regular Session. SB 1322 authorized the sale of vintage distilled spirits by a vintage distilled spirits seller, while SB 1932 authorized the secondary sale of wine by a wine collection seller.

Currently, §45.4(a) prohibits alcoholic beverages from being sold in the state prior to the product being registered with TABC unless the type of alcoholic beverage is excepted from the registration requirement under §45.4(b). Pursuant to §101.671 of the Alcoholic Beverage Code, distilled spirits and wine are generally required to have a Certificate of Label Approval (COLA) issued by the United States Alcohol and Tobacco Tax and Trade Bureau in order to be registered with TABC and the registrant must be an authorized TABC permittee. Pursuant to §§1.04(31)(B) and 111.001(2)(B) of the Alcoholic Beverage Code, vintage distilled spirits sellers and wine collection sellers may not hold a TABC-issued permit. Thus, due to the nature of the distilled spirits and wine authorized by SB 1322 and SB 1932, the products are ineligible to receive a COLA and the authorized sellers are unable to apply for product registration. For these reasons, requiring registration of these products would be impracticable under the current regulatory framework. Therefore, the proposed amendment to §45.4 adds products sold by a vintage distilled spirits seller pursuant to Alcoholic Beverage Code §§22.19 or 23.07, and by a wine collection seller pursuant to Alcoholic Beverage Code §§111.002 or 111.003, to the list of products that do not require registration with TABC prior to being sold within the state.

TABC presented the proposed amendments at a stakeholder meeting on December 7, 2023, and received no comments.

FISCAL NOTE AND LOCAL EMPLOYMENT IMPACT STATEMENT. Andrea Maceyra, Chief of Regulatory Affairs, has determined that during each year of the first five years the proposed amendments are in effect, there will be no fiscal impact on state or local governments because of enforcing or administering the amended rules, other than that imposed by statute. Mrs. Maceyra made this determination because the proposed amendments do not add to or decrease state revenues or expenditures, and because local governments are not involved in enforcing or complying with the proposed amendments. Mrs. Maceyra also does not anticipate any measurable effect on local employment or the local economy because of this proposal.

PUBLIC BENEFIT AND COST NOTE. For each year of the first five years the proposed amendments are in effect, Mrs. Maceyra expects that enforcing or administering the amended rules will have the public benefit of ensuring current rules align with new legislation and the prerequisites for product registration. Mrs. Maceyra does not expect the proposed amendments will impose economic costs on persons required to comply with the amended rules.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS. TABC has determined that the proposed amendments will not have an adverse economic effect on small or micro businesses, or on rural communities. As a result, and in accordance with Government Code §2006.002(c), TABC is not required to prepare a regulatory flexibility analysis.

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

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

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

REQUEST FOR PUBLIC COMMENT. TABC will consider any written comments on the proposal that are received by TABC no later than 5:00 p.m., central time, on March 11, 2024. Send your comments to rules@tabc.texas.gov or to the Office of the General Counsel, Texas Alcoholic Beverage Commission, P.O. Box 13127, Austin, Texas 78711-3127. TABC staff will hold a public hearing to receive oral comments on the proposed amendments at 10:00 a.m. on February 22, 2024. Interested persons should visit the TABC's public website at www.tabc.texas.gov, or contact TABC Legal Assistant Kelly Johnson at (512) 206-3367, prior to the meeting date to receive further instructions.

STATUTORY AUTHORITY. TABC proposes the amendments pursuant to TABC's rulemaking authority under Texas Alcoholic Beverage Code §5.31. Section 5.31 authorizes TABC to prescribe and publish rules necessary to carry out the provisions of the Alcoholic Beverage Code. TABC also proposes new §45.4(b)(5) pursuant to Section 2 of SB 1932, which requires TABC to adopt rules necessary to implement Chapter 111 of the Texas Alcoholic Beverage Code.

CROSS-REFERENCE TO STATUTE. The proposed amendments implement Alcoholic Beverage Code §§22.01, 22.19, 23.01, 23.07, 28.07, and 111.001-.005.

§45.4. Product Registration Required.

- (a) (No change.)
- (b) Product registration is not required for products sold:
 - (1) in compliance with Code §101.6701 by holders of brewer's licenses authorized to sell directly to consumers under Code §62.122;
 - (2) by holders of brewpub licenses except for malt beverages sold under the authority of Code §§74.08 or a distributor under 74.09; [and]
 - (3) pursuant to out-of-state winery direct shipper's permits under Chapter 54 of the Code;:]

(4) by a vintage distilled spirits seller pursuant to Code §§22.19 or 23.07; and

(5) by a wine collection seller pursuant to Code §§111.002 or 111.003.

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 January 23, 2024.

TRD-202400218
James Person
General Counsel
Texas Alcoholic Beverage Commission
Earliest possible date of adoption: March 10, 2024
For further information, please call: (512) 206-3220

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TITLE 26. HEALTH AND HUMAN SERVICES

PART 1. HEALTH AND HUMAN SERVICES COMMISSION

CHAPTER 307. BEHAVIORAL HEALTH PROGRAMS

The Executive Commissioner of the Texas Health and Human Services Commission (HHSC) proposes new §307.301, concerning Purpose; §307.303, concerning Definitions; §307.305, concerning General Conditions of a Grant; §307.307, concerning Eligible Applicants; §307.309, concerning Eligible Projects; §307.311, concerning Grant Proposals and Selection Process; §307.313, concerning Contract Execution; §307.315, concerning Project Review and Evaluation Report; §307.351, concerning Purpose; §307.353, concerning Definitions; §307.355, concerning General Conditions of a Grant; §307.357, concerning Eligible Applicants; §307.359, concerning Eligible Projects; §307.361, concerning Grant Proposals and Selection Process; §307.363, concerning Selection Criteria; §307.365, concerning Contract Execution; and §307.367, concerning Project Review and Evaluation Report.

BACKGROUND AND PURPOSE

The purpose of the proposal is to comply with Senate Bill (S.B.) 1677, 88th Legislature, Regular Session, 2023, which requires HHSC to adopt rules to implement Texas Government Code §531.0993(d-1), requiring HHSC to establish procedures to assist community collaboratives that include a county with a population of less than 250,000 and §531.09936, requiring HHSC, to the extent money is appropriated, to contract with nonprofit organizations or governmental entities to establish or expand behavioral health centers or jail diversion centers. The proposed rules in new Subchapter G, new Division 1, establish requirements for the HHSC Mental Health Grant Program for Justice-Involved Individuals (MHGPJII) authorized under Texas Government Code §531.0993, and the proposed rules in new Division 2, establish the Rural Initiatives Grant Program to implement Texas Government Code §531.09936.

The proposed rules in new Division 1 establish the requirements of the MHGPJII to provide grants to county-based community

collaboratives for the purpose of reducing: (1) recidivism by, the frequency of arrests of, and incarceration of persons with mental illness; and (2) the total waiting time for forensic commitment of persons with mental illness to a state hospital. The proposed rules outline the assistance offered by HHSC to community collaboratives that include a county with a population of less than 250,000 in submitting a proposal for the MHGPJII.

The proposed rules in Division 2 establish the requirements for the Rural Initiatives Grant Program to provide grants to establish or expand behavioral health centers or jail diversion centers in the local service area of a local mental health authority or local behavioral health authority located primarily in rural areas to provide: (1) additional forensic hospital beds and competency restoration services; (2) inpatient and outpatient mental health services to adults and children; and (3) services to reduce recidivism and the frequency of arrest, incarceration, and emergency detentions among persons with mental illness.

SECTION-BY-SECTION SUMMARY

New Division 1, Mental Health Grant Program for Justice Involved Individuals

Proposed new §307.301, Purpose, provides that the purpose of the division is to implement Texas Government Code §531.0993 by establishing a grant program.

Proposed new §307.303, Definitions, defines terms used in Division 1 of the rules.

Proposed new §307.305, General Conditions of a Grant, outlines that grants are subject to the requirements of the contract executed by HHSC. Proposed new subsection (b) outlines that HHSC provides training opportunities annually and technical assistance or data upon request up to six months before the release of a funding opportunity to assist community collaboratives that include counties with a population of less than 250,000. Proposed new subsections (c) and (d) address cancellation of a grant award and HHSC's authority to accept proposals from community collaboratives if there are appropriated but unawarded funds from the prior state fiscal year pursuant to Texas Government Code §531.0993(d-2).

Proposed new §307.307, Eligible Applicants, requires a community collaborative to provide matching funds.

Proposed new §307.309, Eligible Projects, sets forth that grant proposals must meet the requirements and specifications set forth by HHSC and lists the types of projects eligible for funding.

Proposed new §307.311, Grant Proposals and Selection Process, describes that grant funds are made available to a local mental health authority or local behavioral health authority representing a community collaborative through a competitive request for proposal process. The proposed rule establishes what the collaborative must submit in the proposal and that a proposal received after the deadline will not be considered. The proposed rule sets forth that the amount of grant money reserved for community collaboratives that include a county with a population of less than 250,000, and allows those community collaborative to request technical assistance or data from HHSC. The proposed rule addresses the process if HHSC has additional funds available after selecting grant recipients.

Proposed new §307.313, Contract Execution, sets forth contractual requirements for the award of the grant.

Proposed new §307.315, Project Review and Evaluation Report, requires grantees to submit performance data for each grant-funded project on a schedule specified by HHSC in the contract and a report. The proposed rule sets forth that HHSC may make inspections of the operation and provision of mental health services provided by a community collaborative to ensure state money appropriated for the grant program is used effectively.

New Division 2, Rural Initiatives Grant Program

Proposed new §307.351, Purpose, provides that the purpose of this division is to implement Texas Government Code §531.09936 by establishing a Grant Program.

Proposed new §307.353, Definitions, defines terms used in Division 2 of the rules.

Proposed new §307.355, General Conditions of a Grant, outlines that grants are subject to the availability of appropriated funding, a competitive award process established by HHSC, and the requirements of the contract executed by HHSC. Proposed new subsection (b) outlines that HHSC provides training opportunities annually and technical assistance or data upon request up to six months before the release of a funding opportunity to governmental entities or nonprofit organizations.

Proposed new §307.357, Eligible Applicants, provides that governmental entities and nonprofit organizations are eligible for grants and requires governmental entities and nonprofit organizations to provide matching funds.

Proposed new §307.359, Eligible Projects, sets forth that grant proposals must meet the requirements and specifications described in requests for proposals issued by HHSC for eligible funding and describes the type of services that must be part of a proposal to expand or establish a behavioral health center or jail diversion center.

Proposed new §307.361, Grant Proposals and Selection Process, requires a governmental entity or nonprofit organization to submit a proposal directly to HHSC in the time and manner specified by HHSC and any proposal received after the deadline will not be considered. The proposed rule sets forth that HHSC reviews and evaluates proposals in accordance with the evaluation methodology published in the request for proposal or other notice of potential award issued by HHSC.

Proposed new §307.363, Selection Criteria, outlines HHSC's criteria for selecting grant recipients.

Proposed new §307.365, Contract Execution, sets forth contractual requirements for the award of the grant.

Proposed new §307.367, Project Review and Evaluation Report, requires grantees to submit performance data for each grant-funded project on a schedule determined by HHSC and a report. The proposed rule sets forth that HHSC may make inspections of the operation and provision of mental health services provided by a grantee to ensure state money is used effectively.

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 create 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 rules;
- (6) the proposed rules will not expand, limit, or repeal existing rules;
- (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, HHSC Chief Financial Officer, has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities because there are no anticipated economic costs to persons who are required to comply with the proposed rules because participation in the grant programs described in the proposed rules is optional.

LOCAL EMPLOYMENT IMPACT

The proposed rules will 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, relate to a state agency procurement, and are necessary to implement legislation that does not specifically state that §2001.0045 applies to the rules.

PUBLIC BENEFIT AND COSTS

Sonja Gaines, Deputy Executive Commissioner for Behavioral Health Services, has determined that for each year of the first five years the rules are in effect, the public benefit will be that more Texans have access to behavioral health care in their local community.

Trey Wood, HHSC Chief Financial Officer, has also determined that for the first five years the rules are in effect, there are no anticipated economic costs to persons who are required to comply with the proposed rules because participation in the grant programs described in the proposed rules is optional.

TAKINGS IMPACT ASSESSMENT

HHSC has determined that 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

Questions about the content of this proposal may be directed to Robert Dole at (512) 568-4605 in HHSC Behavioral Health Services.

Written comments on the proposal may be submitted to Rules Coordination Office, P.O. Box 13247, Mail Code 4102, Austin,

Texas 78711-3247, or street address 701 W. 51st Street, Austin, Texas 78751; or emailed to HHRulesCoordinationOffice@hhs.texas.gov.

To be considered, comments must be submitted no later than 31 days after the date of this issue of the *Texas Register*. Comments must be (1) postmarked or shipped before the last day of the comment period; (2) hand-delivered before 5:00 p.m. on the last working day of the comment period; or (3) emailed before midnight on the last day of the comment period. If the last day to submit comments falls on a holiday, comments must be postmarked, shipped, or emailed before midnight on the following business day to be accepted. When emailing comments, please indicate "Comments on Proposed Rule 24R007" in the subject line.

SUBCHAPTER G. BEHAVIORAL HEALTH GRANT AND FUNDING PROGRAMS DIVISION 1. MENTAL HEALTH GRANT PROGRAM FOR JUSTICE INVOLVED INDIVIDUALS

26 TAC §§307.301, 307.303, 307.305, 307.307, 307.309, 307.311, 307.313, 307.315

STATUTORY AUTHORITY

The new sections are authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies; §531.0993 which requires HHSC to establish a grant program to reduce recidivism, arrest, and incarceration among individuals with mental illness and to reduce the wait time for a forensic commitment; and §531.09936 which requires HHSC to contract with nonprofit organizations or governmental entities to establish or expand behavioral health centers or jail diversion centers in local service areas of local mental health authorities or local behavioral health authorities that are located primarily in rural areas.

The new sections affect Texas Government Code §531.0055, §531.0993, and §531.09936.

§307.301. Purpose.

The purpose of this division is to implement Texas Government Code §531.0993 by establishing a program to provide grants to county-based community collaboratives for the purpose of reducing:

(1) recidivism by, the frequency of arrests of, and incarceration of persons with mental illness; and

(2) the total waiting time for forensic commitment of persons with mental illness to a state hospital.

§307.303. Definitions.

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

(1) ACT--Assertive community treatment. A 24-hour team-based service that provides treatment, rehabilitation, and support services in the community to individuals who have a history of multiple psychiatric hospitalizations (two or more in 180 days or four or more in two years) or at least one hospitalization of greater than 30 days duration in the last two years. The provision of ACT requires the following.

(A) Individuals identified as needing ACT services must be prioritized for supportive housing, supported employment, and co-occurring psychiatric and substance use disorder services as needed.

(B) The use of an integrated services approach merging clinical and rehabilitation staff expertise, such as psychiatric, substance abuse, vocational or employment, and supportive housing, within one mobile service delivery system.

(C) ACT Teams provide permanent supportive housing services, supported employment services, substance use services, psychotherapy services, and mental health rehabilitation services to individuals they serve with minimal external referrals for these services. Referrals are appropriate for specialized therapeutic modalities for complex trauma.

(D) Services are delivered on an individual basis with the exception of group activities to reduce social isolation or address substance use disorder issues.

(E) The ACT Team has a maximum case ratio of 10 service recipients per staff person.

(F) The ACT Team implements ACT services according to its evidence-based practice or the guidelines defined by HHSC.

(2) Applicant--An entity that submits a proposal to apply for a grant award that is part of a community collaborative.

(3) Community collaborative--A partnership that includes a county, a local mental health authority, or local behavioral health authority that operates in the county, and each hospital district, if any, located in the county. A community collaborative may include other local entities designated by the collaborative's members.

(4) Continuity of care--This term has the meaning set forth in §306.153 of this title (relating to Definitions).

(5) FACT--Forensic assertive community treatment. A service delivery model intended for individuals with serious mental illness who are involved with the criminal justice system. These individuals may have co-occurring substance use and physical health disorders. FACT addresses the likelihood that an individual will engage in future illegal behavior in the form of a new crime or failure to comply with conditions of probation or parole, and factors that increase an individual's likelihood of re-offense, such as lack of employment or livable wages, or the presence of a substance use disorder.

(6) Grantee--A recipient of a grant awarded under this division.

(7) HHSC--The Texas Health and Human Services Commission.

(8) Local behavioral health authority--An entity designated as the local behavioral health authority by HHSC in accordance with Texas Health and Safety Code §533.0356.

(9) Local mental health authority--An entity designated as the local mental health authority by HHSC in accordance with Texas Health and Safety Code §533.035(a).

(10) Mental health jail diversion program--A program that serves individuals with behavioral health needs who are involved, or at risk of involvement, in the criminal justice system by diverting the individuals from jail and providing the individuals with, or connecting them to, community mental health and substance use services.

(11) Rapid response team--An interdisciplinary team of behavioral health providers that provides rapid assessment and deployment of resources for individuals who are experiencing acute clinical

deterioration, or signs of imminent clinical deterioration, related to acute stress or a psychiatric condition that impairs or impedes their mental health in a hospital, facility, or community with the goal of preventing harm; a higher intensive level of care, such as an intensive care unit transfer in a hospital or hospitalization in the community; or death.

§307.305. General Conditions of a Grant.

(a) A grant awarded under this division, and any addition to such a grant is, subject to the requirements of the contract executed by HHSC with the grantee as required under §307.313 of this division (relating to Contract Execution).

(b) HHSC will provide a community collaborative that includes a county with a population of less than 250,000 with:

(1) annual training opportunities related to this grant program posted on the HHSC website; and

(2) technical assistance and provision of data to the community collaborative upon request as described in §307.311(e) of this division (Grant Proposals and Selection Process) up to six months before the release of a funding opportunity under Texas Government Code §531.0993.

(c) A grant award is subject to the availability of appropriated state funds and may be canceled either before or after HHSC awards a grant if funding appropriated to HHSC for the grant is terminated, withdrawn, or insufficient.

(d) As permitted under Texas Government Code §531.0993(d-2), in a given state fiscal year, if HHSC has appropriated but unawarded funds from the prior state fiscal year, HHSC will accept proposals from community collaboratives that were not selected in the previous fiscal year or that were selected as grant recipients in the previous fiscal year but require additional funding.

§307.307. Eligible Applicants.

A community collaborative must provide matching funds, as outlined by HHSC in the request for proposals, in alignment with Texas Government Code §531.0993(c-1), which can include gifts, grants, donations, or in-kind contributions from any person but must not include money from state funds.

§307.309. Eligible Projects.

Grant proposals must meet the requirements and specifications set forth in the competitive request for proposal by HHSC. Projects eligible for grant funding include:

(1) continuation of a mental health jail diversion program;

(2) establishment or expansion of a mental health jail diversion program;

(3) establishment of alternatives to competency restoration in a state hospital, including outpatient competency restoration, inpatient competency restoration in a setting other than a state hospital, or jail-based competency restoration;

(4) provision of ACT or FACT with an outreach component;

(5) provision of intensive mental health services and substance use treatment not readily available in the county;

(6) provision of continuity of care services for an individual being released from a state hospital;

(7) establishment of interdisciplinary rapid response teams to reduce law enforcement's involvement with mental health emergencies; and

(8) provision of local community hospital, crisis, respite, or residential beds.

§307.311. Grant Proposals and Selection Process.

(a) Grant funds are made available to a local mental health authority or local behavioral health authority representing a community collaborative through a competitive request for proposal process.

(b) An applicant must include in the proposal:

(1) the objectives of reducing:

(A) recidivism by, the frequency of arrests of, and incarceration of persons with mental illness; and

(B) the total waiting time for forensic commitment of persons with mental illness to a state hospital;

(2) a statement indicating the amount of matching funds the collaborative is able to provide; and

(3) a plan that:

(A) is endorsed by each of the collaborative's member entities;

(B) identifies a target population;

(C) describes how the grant money and matching funds will be used;

(D) includes outcome measures to evaluate the success of the plan; and

(E) describes how the success of the plan in accordance with the outcome measures would further the state's interest in the grant program's purposes.

(c) An applicant must submit a proposal for a grant directly to HHSC in the time and manner specified by HHSC. A proposal received after the deadline will not be considered. HHSC reviews and evaluates eligible, complete, and timely proposals in accordance with the evaluation methodology published in the request for proposal or other notice of potential grant award issued by HHSC.

(d) From money appropriated to HHSC for each state fiscal year to implement this grant, HHSC reserves at least 20 percent of that total for grants to community collaboratives that include a county with a population of less than 250,000.

(e) An applicant that includes a county with a population of less than 250,000 may request technical assistance or data from HHSC up to six months before the release of a funding opportunity.

(f) To the extent money appropriated to HHSC for a state fiscal year to implement this grant remains available to HHSC after grant recipients are selected for the fiscal year, HHSC makes grants available using the money remaining for the fiscal year through a competitive request for proposal process. Subsection (d) of this section does not apply to this process.

§307.313. Contract Execution.

Grantees are required to execute a contract with HHSC on mutually agreeable terms and conditions in the manner and format prescribed by HHSC. Grant funds may not be distributed to a grantee before the execution of a contract with HHSC. In addition to other requirements, the contract will require that the grantee comply with:

(1) the performance objectives established by HHSC and monitored through progress reports;

(2) any financial and reporting requirements established by HHSC;

(3) all applicable policies and procedures; and

(4) all applicable federal and state laws and their implementing regulations.

§307.315. Project Review and Evaluation Report.

(a) Performance data for each grant-funded project must be submitted by grantees on a routine schedule as specified in the contract with HHSC.

(b) Not later than the 90th day after the last day of the state fiscal year for which HHSC distributes a grant under this division, each grantee must prepare and submit a report to HHSC describing the effect of the grant money and matching funds in achieving the outcome measures in the plan submitted with the grantee's proposal.

(c) HHSC may make inspections of the operation and provision of mental health services provided by a community collaborative under this grant to ensure state money appropriated for the grant program is used effectively.

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 January 25, 2024.

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Karen Ray

Chief Counsel

Health and Human Services Commission

Earliest possible date of adoption: March 10, 2024

For further information, please call: (512) 568-4605



DIVISION 2. RURAL INITIATIVES GRANT PROGRAM

26 TAC §§307.351, 307.353, 307.355, 307.357, 307.359, 307.361, 307.363, 307.365, 307.367

STATUTORY AUTHORITY

The new sections are authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies; §531.0993 which requires HHSC to establish a grant program to reduce recidivism, arrest, and incarceration among individuals with mental illness and to reduce the wait time for a forensic commitment; and §531.09936 which requires HHSC to contract with nonprofit organizations or governmental entities to establish or expand behavioral health centers or jail diversion centers in local service areas of local mental health authorities or local behavioral health authorities that are located primarily in rural areas.

The new sections affect Texas Government Code §531.0055, §531.0993, and §531.09936.

§307.351. Purpose.

(a) The purpose of this division is to implement Texas Government Code §531.09936 by establishing a grant program to assist with the establishment or expansion of behavioral health centers or jail diversion centers in a local mental health authority or local behavioral health authority's local service area to provide:

(1) additional forensic hospital beds and competency restoration services;

(2) inpatient and outpatient mental health services to adults and children; and

(3) services to reduce recidivism and the frequency of arrest, incarceration, and emergency detentions among persons with mental illness.

(b) To the extent money is appropriated to HHSC for this program, HHSC, in cooperation with local mental health authorities and local behavioral health authorities located primarily in rural areas of this state, awards contracts to nonprofit organizations or governmental entities under this division.

§307.353. Definitions.

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

(1) Applicant--A non-profit or governmental entity that submits a proposal to apply for a grant under this division.

(2) Governmental entity--This state, a political subdivision of this state, or an agency of this state.

(3) Grantee--A recipient of funds awarded under this division.

(4) HHSC--The Texas Health and Human Services Commission.

(5) Local behavioral health authority--A local behavioral health authority designated by HHSC in accordance with Texas Health and Safety Code §533.0356.

(6) Local mental health authority--A local mental health authority designated by HHSC in accordance with Texas Health and Safety Code §533.035(a).

(7) Nonprofit organization--An organization that is exempt from federal income taxation under Section 501(a), Internal Revenue Code of 1986, by being listed as an exempt entity under Section 501(c)(3) of that code.

(8) Rural--A county with a population of 250,000 or less.

§307.355. General Conditions of a Grant.

(a) A grant under this division, and any extension, continuation, or addition to such funds, are subject to:

(1) the availability of appropriated state funds;

(2) a competitive award process established by HHSC; and

(3) the requirements of the contract executed by HHSC with the grantee as required under §307.365 of this division (relating to Contract Execution).

(b) HHSC will provide a governmental entity or nonprofit organization with:

(1) annual training opportunities related to this grant program posted on the HHSC website; and

(2) technical assistance and the provision of data upon request as described in §307.361(c) of this division (Grant Proposals and Selection Process) up to six months before the release of a funding opportunity under Texas Government Code §531.09936.

§307.357. Eligible Applicants.

In addition to the general conditions described in §307.355 of this division (relating to General Conditions of a Grant):

(1) only governmental entities and nonprofit organizations are eligible for grants awarded under this division; and

(2) a governmental entity or nonprofit organization must provide matching funds as outlined by HHSC in the request for proposals, which can include gifts, grants, donations, or in-kind contributions from any person but must not include money from state funds.

§307.359. Eligible Projects.

Proposals must meet the requirements and specifications set forth in requests for proposals issued by HHSC. Proposals must be to expand or establish a behavioral health center or jail diversion center to provide:

(1) forensic hospital beds and competency restoration services;

(2) inpatient and outpatient mental health services for adults and children, including counseling and psychiatric services; and

(3) services to reduce recidivism and the frequency of arrest, incarceration, and emergency detentions among persons with mental illness in the local service area.

§307.361. Grant Proposals and Selection Process.

(a) An applicant must submit a proposal directly to HHSC in the time and manner specified by HHSC. A proposal received after the deadline specified by HHSC will not be considered.

(b) HHSC reviews and evaluates eligible, complete, and timely proposals in accordance with the evaluation methodology published in the request for proposal or other notice of potential award issued by HHSC.

(c) An applicant may request technical assistance or data from HHSC up to six months before the release of a funding opportunity under Texas Government Code §531.09936.

§307.363. Selection Criteria.

In selecting grant recipients, HHSC:

(1) prioritizes proposals from applicants for services that will be provided primarily in rural areas;

(2) considers the extent to which proposed services are already available in the area to be served; and

(3) considers other criteria established by HHSC as described in the specific request for proposal or other notice of potential awards issued by HHSC.

§307.365. Contract Execution.

Grantees are required to execute a contract with HHSC on mutually agreeable terms and conditions in the manner and format prescribed by HHSC. Grant funds may not be distributed to a grantee before the execution of a contract with HHSC. In addition to other requirements, the contract will require that the grantee comply with:

(1) the performance objectives established by HHSC and monitored through progress reports;

(2) any financial and reporting requirements established by HHSC;

(3) all applicable policies and procedures; and

(4) all applicable federal and state laws and their implementing regulations.

§307.367. Project Review and Evaluation Report.

(a) Performance data for each grant-funded project must be submitted by grantees on a routine schedule determined by HHSC.

(b) Not later than the 90th day after the last day of the state fiscal year for which HHSC distributes a grant under this division, each grantee must prepare and submit a report describing the effect of the grant money and matching funds in achieving the outcome measures in the plan submitted with the proposal.

(c) HHSC may make inspections of the operation and provision of mental health services provided by a grantee under this section to ensure state money appropriated for the grant program is used effectively.

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

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Karen Ray

Chief Counsel

Health and Human Services Commission

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For further information, please call: (512) 568-4605



TITLE 28. INSURANCE

PART 1. TEXAS DEPARTMENT OF INSURANCE

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

SUBCHAPTER V. COORDINATION OF BENEFITS

28 TAC §§3.3502, 3.3503, 3.3510

The Texas Department of Insurance (TDI) proposes to amend 28 TAC §§3.3502, 3.3503, and 3.3510, concerning the applicability of coordination of benefits (COB) to vision and eye care plans. The proposed amendments implement Senate Bill 861, 88th Legislature, 2023, and Senate Bill 1367, 83rd Legislature, 2013. TDI also proposes nonsubstantive amendments to §3.3502 and §3.3503.

EXPLANATION. The proposed amendments enact changes in accordance with SB 1367, which abolished the Texas Health Insurance Pool, and SB 861, which specifies COB requirements for vision benefit plans under Insurance Code Chapter 1203, Subchapter C. SB 861 sets out provisions for the coordination of vision and eye care benefits. It also specifies the responsibilities of the primary and secondary issuers of an applicable health or vision benefit plan for an enrollee who is covered by at least two different health or vision benefit plans that provide the enrollee coverage for the same vision or medical eye care services, procedures, or products.

The proposed amendments to the sections are described in the following paragraphs.

Section 3.3502. To implement SB 861, an amendment to §3.3502 expands the applicability of the subchapter to include individual and group health benefit plans or vision benefit plans,

as described by Insurance Code Chapter 1203, Subchapter C, by adding new subsection (a)(6) listing such plans.

A nonsubstantive amendment relocates an exclusion addressing disability income protection coverage exclusion, removing it from subsection (a)(1) and addressing it with new text in (b)(1). Another amendment to subsection (a)(1) adds the title of Chapter 1251. And the acronym "(HMO)" is added to subsection (a)(2).

An amendment also removes a reference in subsection (b)(1) to the Texas Health Insurance Pool. The Texas Health Insurance Pool was dissolved by SB 1367, effective September 1, 2015.

Finally, the proposed amendments to §3.3502 eliminate subsections (c) - (f). The dates specified in these subsections have passed, and the transition period they establish is no longer needed. Consistent with the removal of these subsections, existing subsection (g) is redesignated as new subsection (c).

Section 3.3503. To implement SB 861, the definition of "plan" under §3.3503(15) is expanded to include vision plans. An amendment to paragraph (15)(A)(iii) adds the terms "self-funded" and "self-insured" in parentheses to clarify the types of arrangements that are included in the definition. A nonsubstantive amendment to paragraph (15)(B) conforms to the changes made in §3.3502 by replacing the reference to the Texas Health Insurance Pool with a clarification of the exclusion of disability income protection coverage. A missing Insurance Code reference is also added to paragraph (15)(B)(v).

Section 3.3510. Amendments to Figure: 28 TAC §3.3510(d) update the definition of "plan" to add a reference to vision coverage and remove a reference to the Texas Health Insurance Pool, consistent with changes made in §3.3502 and §3.3503. These changes ensure the model COB contract provisions are consistent with the rules. Use of the model COB contract provisions contained in Figure: 28 TAC §3.3510(d) is optional. Issuers may use the model COB provisions or make nonsubstantive changes to the provisions, as long as the contract provisions accurately reflect the COB rules. TDI also makes nonsubstantive amendments to Figure: 28 TAC §3.3510(e) to update the model COB notice to use more plain language and make the information easier for consumers to understand. The model COB notice is a resource for health benefit plan issuers. The notice provides a summary of the most common COB circumstances and does not replace or change the contract provisions.

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

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

PUBLIC BENEFIT AND COST NOTE. For each year of the first five years the proposed amendments are in effect, Ms. Bowden expects that administering the proposed amendments will have the public benefits of ensuring that TDI rules conform to Insurance Code 1203, Subchapter C, and making them clearer and more consistent.

Ms. Bowden expects that the proposed amendments will not increase the cost of compliance with Insurance Code 1203 because they do not impose requirements beyond those in the statute. Insurance Code Chapter 1203, Subchapter C, requires the coordination of vision and eye care benefits and sets out the responsibilities of the primary and secondary issuers of an applicable health benefit plan or vision benefit plan. As a result, the cost associated with compliance does not result from the enforcement or administration of the proposed amendments. Changes made to the model COB contract provisions in Figure: 28 TAC §3.3510(d) conform to the changes in §3.3502 and §3.3503 and are necessary to implement SB 861 and SB 1367. Nonsubstantive changes to the model COB notice in §3.3510 to improve readability do not create a cost because use of the model notice is optional.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS. TDI has determined that the proposed amendments will not have an adverse economic effect on small or micro businesses, or on rural communities. The proposed amendments introduce a more-standardized regulation of the statute to simplify compliance for small businesses. As a result, and in accordance with Government Code §2006.002(c), TDI is not required to prepare a regulatory flexibility analysis.

EXAMINATION OF COSTS UNDER GOVERNMENT CODE §2001.0045. TDI has determined that this proposal does not impose a possible cost on regulated persons. Therefore, no additional rule amendments are required under Government Code §2001.0045. In addition, the proposal is necessary to implement legislation, which is an exception under §2001.0045(c).

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

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

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

REQUEST FOR PUBLIC COMMENT. TDI will consider any written comments on the proposal that are received by TDI no later than 5:00 p.m., central time, on March 11, 2024. Send your comments to ChiefClerk@tdi.texas.gov or to the Office of the Chief Clerk, MC: GC-CCO, Texas Department of Insurance, P.O. Box 12030, Austin, Texas 78711-2030.

To request a public hearing on the proposal, submit a request before the end of the comment period to ChiefClerk@tdi.texas.gov or to the Office of the Chief Clerk, MC: GC-CCO, Texas Department of Insurance, P.O. Box 12030, Austin, Texas 78711-2030. The request for public hearing must be separate from any comments and received by TDI no later than 5:00 p.m., central time, on March 11, 2024. If a public hearing is held, TDI will consider written and oral comments presented at the hearing.

STATUTORY AUTHORITY. TDI proposes to amend §§3.3502, 3.3503, and 3.3510 under Insurance Code §1203.107 and §36.001.

Insurance Code §1203.107 provides that the commissioner may adopt rules necessary to implement Chapter 1203, Subchapter C.

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

CROSS-REFERENCE TO STATUTE. Sections 3.3502, 3.3503, and 3.3510 implement Insurance Code §1203.104 and §1203.105.

§3.3502. Applicability.

(a) This subchapter applies to:

(1) group, blanket, or franchise accident and health insurance policies as described by Insurance Code Chapter 1251, concerning Group and Blanket Health Insurance; [excluding Disability Income Protection Coverage under §3.3075 of this title (relating to Minimum Standards for Disability Income Protection Coverage);]

(2) individual and group health maintenance organization (HMO) evidences of coverage as defined by Insurance Code §843.002, concerning Definitions;

(3) individual accident and health insurance policies as defined by Insurance Code §1201.001, concerning Definitions;

(4) individual and group preferred provider benefit plans and exclusive provider benefit plans as described by Insurance Code Chapter 1301, concerning Preferred Provider Benefit Plans;

(5) group insurance contracts, individual insurance contracts, and subscriber contracts that pay or reimburse for the cost of dental care; ~~and~~

(6) individual and group health benefit plans or vision benefit plans, as described by Insurance Code Chapter 1203, Subchapter C, concerning Vision and Eye Care Benefits; and

(7) ~~[(6)]~~ the medical care components of individual and group long-term care contracts.

(b) This subchapter does not apply to:

(1) disability income protection coverage; [the Texas Health Insurance Pool as described in Insurance Code Chapter 1506;]

(2) workers' compensation insurance coverage;

(3) hospital indemnity coverage benefits or other fixed indemnity coverage;

(4) accident only coverage;

(5) specified disease or specified accident coverage;

(6) school accident-type coverages that cover students for accidents only, including athletic injuries, either on a "24-hour" or a "to and from school" basis;

(7) benefits provided in long-term care insurance policies for nonmedical services, for example, personal care, adult day care, homemaker services, assistance with activities of daily living, respite care, custodial care, or for contracts that pay a fixed daily benefit without regard to expenses incurred or the receipt of services;

(8) Medicare supplement policies;

(9) a state plan under Medicaid;

(10) a governmental plan, which, by law, provides benefits that are in excess of those of any private insurance plan or other non-governmental plan; or

(11) an individual accident and health insurance policy that is designed to fully integrate with other policies through a variable deductible.

~~[(e) Except as provided in subsections (d) - (f) of this section, this subchapter applies to individual and group plans that are delivered, issued for delivery, or renewed on or after September 2, 2014.]~~

~~[(d) A contract delivered, issued for delivery, or renewed before September 2, 2014, must be brought into compliance with this subchapter on the next anniversary date or renewal date of the contract, or the expiration of any applicable collective bargaining contract under which it was written.]~~

~~[(e) A carrier in compliance with applicable filing requirements may comply with this subchapter prior to September 2, 2014.]~~

~~[(f) If there is a conflict, due to the implementation transition permitted by subsections (e) - (e) of this section, between the order of benefit provisions of different plans for purposes of determining which carriers are primary and secondary, then the order of benefit payments will be determined under the version of this subchapter that was in effect prior to September 2, 2014.]~~

(c) ~~[(g)]~~ This subchapter does not apply to individual policies issued before March 25, 2014, that are noncancellable or guaranteed renewable.

§3.3503. Definitions.

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

(1) Allowable expense--Except as otherwise provided in §3.3505 of this title (relating to Allowable Expenses), or where a statute requires a different definition, any health care expense, including coinsurance or copayments and without reduction for any applicable deductible, that is covered in full or in part by any of the plans covering the person.

(2) Allowed amount--The amount of a billed charge that a carrier determines to be covered for services provided by a noncontracted health care provider or physician. The allowed amount includes the carrier's payment and any applicable deductible, copayment, or coinsurance amounts for which the insured is responsible.

(3) Birthday--Refers only to the month and day in a calendar year and does not include the year in which the individual is born.

(4) Carrier--An entity authorized under the Insurance Code to provide coverage subject to this subchapter, including an insurer, health maintenance organization, group hospital service corporation, or stipulated premium company.

(5) Certificate holder--An insured or enrollee who is covered other than as a dependent under a group plan or a group-type plan.

(6) Claim--A request that benefits be provided or paid. The benefits claimed may be in the form of:

(A) services, including supplies;

(B) payment for all or a portion of the expenses incurred;

(C) a combination of subparagraphs (A) and (B) of this paragraph; or

(D) an indemnification.

(7) Closed panel plan--A plan that provides health benefits to covered persons primarily in the form of services through a panel of health care providers and physicians that have contracted with or are employed by the plan, and that excludes benefits for services provided by other health care providers or physicians, except in cases of emergency or referral by a panel member.

(8) Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA)--Coverage provided under a right of continuation under federal law.

(9) Contract--Refers to an insurance policy, insurance certificate, or health maintenance organization evidence of coverage.

(10) Coordination of benefits (COB)--A provision establishing an order in which plans pay their claims and permitting secondary plans to reduce their benefits so that the combined benefits of all plans do not exceed total allowable expenses.

(11) Custodial parent--

(A) the parent with the right to designate the primary residence of a child by a court order under the Family Code or other applicable law; or

(B) in the absence of a court order, the parent with whom the child resides more than one-half of the calendar year without regard to any temporary visitation.

(12) Group-type contract--A contract that is not available to the public and is obtained and maintained only because of membership in or a connection with a particular organization or group, including blanket coverage.

(13) High-deductible health plan--A high-deductible health plan under §223 of the Internal Revenue Code of 1986, as amended by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, and Insurance Code Chapter 1653, concerning High Deductible Health Plan.

(14) Hospital indemnity benefits--Benefits not related to expenses incurred. This term does not include reimbursement-type benefits, even if they are designed or administered to give the insured the right to elect indemnity-type benefits at the time of claim.

(15) Plan--A form of coverage with which coordination is allowed. For purposes of this subchapter:

(A) plan includes:

(i) any contract to which this subchapter applies;

(ii) limited benefit policies under §3.3079 of this title (relating to Minimum Standards for Limited Benefit Coverage), excluding Disability Income Protection Coverage under §3.3075 of this title (relating to Minimum Standards for Disability Income Protection Coverage);

(iii) uninsured (i.e., self-funded or self-insured) arrangements of group or group-type coverage;

(iv) the medical benefits coverage in automobile insurance contracts;

(v) Medicare or other governmental benefits, [;] as permitted by law; [and]

(vi) group insurance contracts, individual insurance contracts, and subscriber contracts that pay or reimburse for the cost of dental care; and[-]

(vii) individual and group health benefit plans or vision benefit plans, as described by Insurance Code Chapter 1203, Subchapter C, concerning Vision and Eye Care Benefits;

(B) plan does not include:

(i) disability income protection coverage; [the Texas Health Insurance Pool as described in Insurance Code Chapter 1506;]

(ii) workers' compensation insurance coverage;

(iii) hospital confinement indemnity coverage or other fixed indemnity;

(iv) specified disease coverage;

(v) supplemental benefit coverage under §3.3080 of this title (relating to Supplemental Coverage) and as described in Insurance Code Chapter 1203, concerning Coordination of Benefits Provisions;

(vi) accident-only coverage;

(vii) specified accident coverage;

(viii) school accident-type coverages that cover students for accidents only, including athletic injuries, either on a "24-hour basis" or on a "to and from school" basis;

(ix) benefits provided in long-term care insurance contracts for nonmedical services, for example, personal care, adult day care, homemaker services, assistance with activities of daily living, respite care, and custodial care or for contracts that pay a fixed daily benefit without regard to expenses incurred or the receipt of services;

(x) Medicare supplement policies;

(xi) a state plan under Medicaid;

(xii) a governmental plan which, by law, provides benefits that are in excess of those of any private insurance plan or other nongovernmental plan; or

(xiii) an individual accident and health insurance policy that is designed to fully integrate with other policies through a variable deductible.

(16) Policyholder--The primary insured named in an individual health insurance policy or evidence of coverage.

(17) Primary plan--A plan whose benefits for a person's health care coverage must be determined without taking the existence of any other plan into consideration. A plan is a primary plan if:

(A) the plan either has no order of benefit determination rules, or its rules differ from those permitted by this subchapter; or

(B) all plans that cover the person use the order of benefit determination rules required by this subchapter, and under those rules, the plan determines its benefits first.

(18) Secondary plan--A plan that is not a primary plan.

§3.3510. *Model COB Contract Provisions.*

(a) Subsection (d) of this section contains an optional model COB provision form for use in contracts. The use of this model form is subject to the provisions of §3.3509 of this title (relating to Miscel-

laneous Provisions) and the provisions of §3.3507 of this title (relating to Rules for COB and Order of Benefits).

(b) Subsection (e) of this section contains an optional model plain language description of the COB process that explains to the covered person how health plans will implement COB. It is not intended to replace or change the provisions that are set forth in the contract. Its purpose is to explain the process by which two or more plans will pay for or provide benefits.

(c) A COB provision or a plain language description does not have to use the words and format shown in the model forms. Changes may be made to fit the language and style of the rest of the contract or to reflect the difference among plans that provide services, pay benefits for expenses incurred, and indemnify. No substantive changes are allowed.

(d) The model COB contract provisions are as follows:

Figure: 28 TAC §3.3510(d)

[Figure: 28 TAC §3.3510(d)]

(e) The model COB notice publication is as follows:

Figure: 28 TAC §3.3510(e)

[Figure: 28 TAC §3.3510(e)]

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

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Jessica Barta

General Counsel

Texas Department of Insurance

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



TITLE 37. PUBLIC SAFETY AND CORRECTIONS

PART 5. TEXAS BOARD OF PARDONS AND PAROLES

CHAPTER 146. REVOCATION OF PAROLE OR MANDATORY SUPERVISION

37 TAC §§146.4, 146.5, 146.7, 146.9, 146.10

The Texas Board of Pardons and Paroles proposed amendments to 37 TAC Chapter 146, §§146.4, 146.5, 146.7, 146.9, and 146.10 concerning revocation of parole or mandatory supervision. The amendments are proposed for clarity and to also provide edits for uniformity and consistency through the rules.

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

Mr. Gutiérrez also has determined that for each year of the first five years the proposed amendments are in effect, the public benefit anticipated as a result of enforcing the amendments to these sections will be to clarify the duties concerning continuation, modification, and revocation of parole or mandatory supervision. There will be no effect on small businesses, micro-busi-

nesses or rural areas. There is no anticipated economic cost to persons required to comply with the amended rules as proposed. The amendments will not create or eliminate a government program; will not require the creation or elimination of employee positions; will not require an increase or decrease in future legislative appropriations to the agency; will not require an increase or decrease in fees paid to the agency; does not create a new regulation; does not expand, limit, or repeal an existing regulation; will not increase or decrease the number of individuals subject to the rules' applicability; and will not positively or adversely affect this state's economy.

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

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

The amended rules are adopted under Texas Government Code Sections 508.036(b), 508.0441(a)(5), 508.045(c), 508.281, 508.2811, and 508.283. Section 508.036(b) requires the board to adopt rules relating to the decision-making processes used by the Board and parole panels. Section 508.0441(a)(5) vests the Board with the authority to determine the continuation, modification, and revocation of parole or mandatory supervision. Section 508.045(c) provides parole panels with the authority to conduct parole revocation and mandatory supervision revocation hearings; and to grant, deny, revoke parole or mandatory supervision. Sections 508.281 and 508.2811 relate to hearings to determine violations of the releasee's parole or mandatory supervision. Sections 508.282 and 508.283 concern deadlines and sanctions for parole revocation and mandatory supervision revocation hearings.

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

§146.4. Procedure after Waiver of Preliminary Hearing.

(a) Following the waiver of the right to a preliminary hearing, the parole panel or a designee of the Board may proceed to a revocation hearing after a finding of probable cause or reasonable belief that the releasee violated a condition of parole or mandatory supervision.

(b) The parole panel or designee of the Board may accept a waiver of the preliminary hearing provided that a waiver of the preliminary hearing includes the following:

- (1) information that the releasee was served with the following:
 - (A) notice of the right to a preliminary hearing and that its purpose is to determine whether there is probable cause or reasonable belief to believe the releasee has committed a parole violation;
 - (B) written notice of the allegations of parole violation against the releasee;
 - (C) notice of the right to full disclosure of the evidence;
 - (D) notice that releasee has the opportunity to be heard in person and to present witnesses and documentary evidence;

(E) notice that the releasee has the right to confront and cross-examine adverse witnesses unless the Hearing Officer specifically finds good cause for not allowing confrontation of the witness;

(F) notice that the case will be heard by a parole panel or designee of the Board;

(G) notice that the releasee has the opportunity to waive in writing the right to either or both the preliminary and revocation hearings, with the additional understanding that, if the releasee waives the revocation hearing, the Board will in all probability revoke; and

(H) notice that the releasee has the right to retain an attorney and the conditional right to an appointed attorney; and

(2) information which supports the evidence of the alleged rule violations, which may include but are not limited to the following:

- (A) [a] complaint and information or [a] grand jury indictment;
- (B) [a] judgment and sentence of conviction;
- (C) reports of violation;
- (D) witness affidavits; or
- (E) other evidence, e.g., if the releasee was not indicted by a grand jury or convicted.

§146.5. Procedure after Waiver of Revocation Hearing.

(a) Following a review of the waiver of the right to a revocation hearing and receipt of supporting documentation of evidence of the alleged rule violations as described in §146.4 of this title (relating to Procedure after Waiver of Preliminary Hearing), the parole panel may make final disposition of the case by taking one of the following actions:

- (1) continue the parole or mandatory supervision, in any manner warranted by the evidence;
- (2) revoke the parole or mandatory supervision in any manner warranted by the evidence, provided that the parole panel finds ~~that~~ a preponderance of evidence exists that a condition of parole or mandatory supervision was violated; or
- (3) refer the case for further action.

(b) If final Board disposition is an order to revoke the parole or mandatory supervision, the releasee or attorney shall be notified in writing of the parole panel's decision ~~[of the parole panel]~~.

§146.7. Preliminary Hearing.

(a) The parole panel or designee of the Board shall conduct the preliminary hearing. The purpose of the preliminary hearing is to determine whether there is probable cause or a reasonable belief that the releasee violated a condition of parole or mandatory supervision.

(b) The preliminary hearing shall be held at or near the location of the alleged violations or arrest, unless the releasee is:

- (1) ~~[the releasee is]~~ detained in federal custody;
- (2) ~~[the releasee is being]~~ held in a hospital or other facility for diagnosis or treatment of a physical or mental condition; or
- (3) ~~[the releasee is]~~ arrested or detained on the authority of a warrant in a state other than the state of release.

(c) If the decision of the parole panel or designee of the Board is that there is probable cause or reasonable belief to proceed to a revocation hearing, upon the request of the parole panel, designee of the Board or the parole officer, the Board's scheduling staff may schedule a revocation hearing:

- (1) at the conclusion of the hearing, or
- (2) after a pending charge is adjudicated.

(d) If the parole panel or the designee of the Board finds that there is no probable cause or reasonable belief to proceed to a revocation hearing or does not schedule a revocation hearing, the parole panel or designee of the Board shall collect, prepare and forward to a parole panel, or to the TDCJ PD Interstate Compact for Probation and Parole Supervision, if the hearing was held pursuant to the Interstate Commission for Adult Offender Supervision rules, the following information:

- (1) all documents and exhibits offered or admitted into evidence at the preliminary hearing;
- (2) a summary report of the evidence relied upon to formulate the Hearing Officer's findings; and
- (3) the recording of the hearing.

(e) Following a review of the supporting evidence of rule violations as described in subsection (d) of this section, the parole panel may dispose of the case by taking one of the following actions:

- (1) continue the parole or mandatory supervision in any manner warranted by the evidence;
- (2) proceed to a revocation hearing; or
- (3) refer the case for further action.

(f) No preliminary hearing is required if the releasee:

- (1) waives the preliminary hearing;
- (2) has been charged only with an administrative violation of a condition of parole or mandatory supervision; or
- (3) has been adjudicated guilty of or has pleaded guilty or nolo contendere to an offense committed after release, other than an offense punishable by fine only involving the operation of a motor vehicle, regardless of whether the court has deferred disposition of the case, imposed a sentence in the case, or placed the releasee on community supervision.

§146.9. Revocation Hearing.

(a) The parole panel or designee of the Board shall conduct the revocation hearing. The purpose of the revocation hearing is to consider the evidence offered pursuant to an allegation of a violation of a condition of parole or mandatory supervision. The parole panel or designee of the Board must determine whether it is shown by a preponderance of the credible evidence that the releasee violated a condition of parole or mandatory supervision.

(b) The revocation hearing shall not proceed to the mitigation phase unless it is determined by the parole panel or designee of the Board by a preponderance of the credible evidence that the releasee did violate a condition of parole or mandatory supervision.

(c) At the close of the hearing or within a reasonable time thereafter, the parole panel or designee of the Board shall collect, prepare and forward to the parole panel:

- (1) all documents;
- (2) a summary report of the hearing separately setting out findings of fact relative to the alleged violation of a condition of parole or mandatory supervision, based on a preponderance of the credible evidence, which includes statements of the evidence relied upon in reaching said finding; and
- (3) the hearing recording [of the hearing].

§146.10. Final Board Disposition.

(a) [After reviewing the report of the hearing, the] The parole panel may make final disposition of the case by taking one of the following actions:

- (1) continue the parole or mandatory supervision, in any manner warranted by the evidence;
- (2) recommend to the Governor that the conditional pardon be continued, revoked, or modified; or
- (3) revoke the parole or mandatory supervision, provided that all revocation decisions are preceded by a mitigation hearing; or
- (4) refer the case to the Hearing Officer, with or without reopening the hearing, for further development of issues as specified by the parole panel.

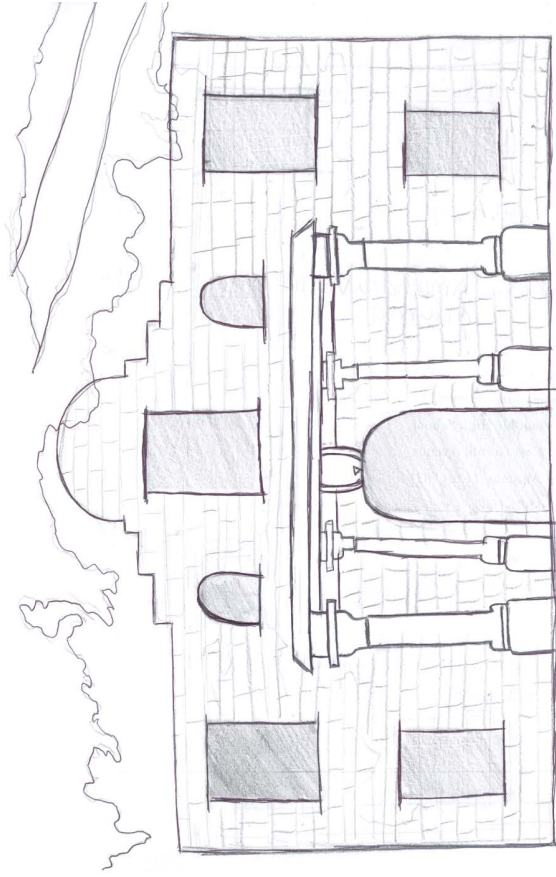
(b) If final Board disposition is an order to revoke the parole or mandatory supervision, the releasee or attorney shall be notified in writing and provided with a copy of the report of the Hearing Officer and notice of the right to submit a motion to reopen the hearing.

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 January 24, 2024.

TRD-20240254
Bettie Wells
General Counsel
Texas Board of Pardons and Paroles
Earliest possible date of adoption: March 10, 2024
For further information, please call: (512) 406-5478





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 4. AGRICULTURE

PART 2. TEXAS ANIMAL HEALTH COMMISSION

CHAPTER 32. HEARING AND APPEAL PROCEDURES

4 TAC §§32.1 - 32.5

The Texas Animal Health Commission (commission) in a duly noticed meeting on January 23, 2024, adopted amendments and additions to Title 4, Texas Administrative Code, Chapter 32 titled "Hearing and Appeal Procedures." Specifically, the commission adopted amendments to §32.1 Definitions, §32.2 Appeal of a Decision or Order by the Executive Director, §32.5 Decisions and Orders, and new additions to §32.3 Appeals of Other Orders and Decisions, and §32.4 Hearing Procedures. The amendment to §32.3 is being adopted with changes and will be republished. The amendments and additions to §§32.1, 32.2, 32.4 and 32.5 were adopted without changes to the proposed text published in the September 1, 2023, issue of the *Texas Register* (48 TexReg 4720) and will not be republished.

JUSTIFICATION FOR RULE ACTION

The commission adopts amendments and additions to Chapter 32, concerning Hearing and Appeal Procedures, to provide clearer guidance on the existing appeal process and to better align the appeal requirements with the statutory requirements set forth in the Texas Agriculture Code and the Administrative Procedure Act.

HOW THE RULES WILL FUNCTION

Section 32.1 defines terms used within the chapter. The amendments add definitions for "Commissioner," "Contested case," and "Final order." The amendments clarify the definitions of "Executive director" and "Party," and replace "Hearing officer" with "Administrative Law Judge."

Section 32.2 outlines procedures for appeals of a monetary penalty for a violation. The amendments clarify the process by which an individual may appeal an administrative penalty and clarify the steps the commission must take if a notice of violation does not receive a timely response. The amendments bring the section requirements into alignment with the statutory requirements of the Texas Agriculture Code, §161.148.

Section 32.3 outlines procedures for appeals of other orders and decisions. The new section clarifies the process by which an individual may appeal orders and decisions of the commission that do not involve administrative penalties. The amendments direct readers to other locations within the rules that provide specific appeal provisions.

Section 32.4 specifies hearing procedures. The new section provides guidance to parties and administrative law judges about how contested case hearings referred to the State Office of Administrative Hearings (SOAH) must be conducted. The amendments outline the procedures required by the Texas Agriculture Code, the Administrative Procedure Act, and the rules of SOAH.

Section 32.5 outlines procedures for the disposition of contested cases. The amendments clarify already existing procedures following the conclusion of a contested case hearing. The amendments detail how the commission must adopt final orders in a contested case, disposition of a case by default, and a party's opportunity to file a motion for rehearing upon the rendition of a final order.

SUMMARY OF COMMENTS RECEIVED AND COMMISSION RESPONSE

The 30-day comment period ended October 1, 2023.

During this period, the commission did not receive any comments regarding the proposed rules.

STATUTORY AUTHORITY

The amendments and additions are authorized by Texas Government Code, §2001.004(1), which requires all administrative agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

Pursuant to §161.038 of the Texas Agriculture Code, titled "Administrative Procedure Act Applicable," the commission is subject to the administrative procedure law set forth in Chapter 2001 of the Texas Government Code.

Pursuant to §161.046 of the Texas Agriculture Code, titled "Rules," the commission may adopt rules as necessary for the administration of enforcement of this chapter.

Pursuant to §161.148 of the Texas Agriculture Code, titled "Administrative Penalty," the commission may impose an administrative penalty on a person who violates a statute, rule, or order of the commission. Section 161.148 outlines the procedure for appeal from such notice of violation.

The rules in this chapter for adoption do not affect other statutes, articles, or codes.

§32.3. *Appeal of Other Orders and Decisions.*

(a) For appeals of orders and decisions of the executive director concerning brucellosis see §35.2(l) and §35.2(p) of this title.

(b) For appeals of orders and decisions of the executive director concerning CWD Herd Certification Program see §40.3(h) of this title.

(c) For appeals of orders and decisions of the executive director concerning fever ticks see §41.8(3) and §41.11 of this title.

(d) For appeals of orders and decisions of the executive director concerning tuberculosis see §43.2(k) of this title.

(e) For appeals of orders and decisions of the executive director concerning authorized personnel see §47.7 of this title.

(f) For appeals of orders and decisions of the executive director concerning piropilosis see §49.6(g) of this title.

(g) For appeals of executive declarations of high risk disease movement restriction zones see §59.11(g) of this title.

(h) For appeals of all other orders and decisions of the executive director not enumerated above, the following procedure applies:

(1) A person receiving a written order or decision from the commission or executive director must file a notice of appeal no later than 15 days from receipt of the decision. The notice of appeal must be filed in writing with the executive director at the commission's office in Austin. The notice of appeal must attach copy of the order or decision being appealed and specifically state the issues for consideration on appeal.

(2) If a timely request is made, the commission shall determine if a contested hearing is authorized under the relevant statutory provisions and rules. If so, the commission shall refer the matter to SOAH for a hearing.

(3) After the conclusion of the hearing, the ALJ shall make findings of fact and conclusions of law and promptly issue to the commission a proposal for a decision about the issues appealed in accordance with §2001.062 of Texas Government Code and SOAH rules.

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 January 26, 2024.

TRD-202400304
Jeanine Coggeshall
General Counsel
Texas Animal Health Commission
Effective date: February 15, 2024
Proposal publication date: September 1, 2023
For further information, please call: (512) 839-0511



4 TAC §32.6

The Texas Animal Health Commission (commission) in a duly noticed meeting on January 23, 2024, repealed the existing §32.6, concerning Transcript of the Hearing in the Texas Administrative Code, Title 4, Part 2, Chapter 32. This repeal is in conjunction with the adoption of amendments and additions to Chapter 32, concerning Hearing and Appeal Procedures. The proposed repeal was published simultaneously in the September 1, 2023, issue of the *Texas Register* (48 TexReg 4724) and will not be republished.

JUSTIFICATION FOR RULE ACTION

The commission repeals §32.6, concerning Transcript of the Hearing, because the contents of the rule have been moved to the newly adopted §32.4, Hearing Procedures. This change provides clearer guidance on the existing appeal process and to better align the appeal requirements with the statutory

requirements set forth in the Texas Agriculture Code and the Administrative Procedure Act.

HOW THE RULES WILL FUNCTION

The repeal eliminates the existing §32.6, the contents of which have been moved to §32.4, Hearing Procedures, in a concurrent submission.

SUMMARY OF COMMENTS RECEIVED AND COMMISSION RESPONSE

The 30-day comment period ended October 1, 2023.

During this period, the commission did not receive any comments regarding the proposed rules.

STATUTORY AUTHORITY

The repeal is authorized by Texas Government Code, §2001.004(1), which requires all administrative agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

Pursuant to §161.038 of the Texas Agriculture Code, titled "Administrative Procedure Act Applicable," the commission is subject to the administrative procedure law set forth in Chapter 2001 of the Texas Government Code.

Pursuant to §161.046 of the Texas Agriculture Code, titled "Rules," the commission may adopt rules as necessary for the administration of enforcement of this chapter.

Pursuant to §161.148 of the Texas Agriculture Code, titled "Administrative Penalty," the commission may impose an administrative penalty on a person who violates a statute, rule, or order of the commission. Section 161.148 outlines the procedure for appeal from such notice of violation.

The repealed rules in this chapter do not affect other statutes, articles, or codes.

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 January 26, 2024.

TRD-202400305
Jeanine Coggeshall
General Counsel
Texas Animal Health Commission
Effective date: January 15, 2024
Proposal publication date: September 1, 2023
For further information, please call: (512) 839-0511



CHAPTER 40. CHRONIC WASTING DISEASE

4 TAC §40.6

(Editor's note: In accordance with Texas Government Code, §2002.014, which permits the omission of material which is "cumbersome, expensive, or otherwise inexpedient," the figures in 4 TAC §40.6 are not included in the print version of the Texas Register. The figures are available in the on-line version of the February 9, 2024, issue of the Texas Register.)

The Texas Animal Health Commission (commission) in a duly noticed meeting on January 23, 2024, adopted amendments to

§40.6, concerning CWD Movement Restriction Zones. Section 40.6 is adopted with non-substantive changes to the proposed text as published in the September 22, 2023, issue of the *Texas Register* (48 TexReg 5211) and will be republished. Specifically, changes were made to §40.6(a) to correct a TAC formatting requirement and changes were made to §40.6(b)(2)(C) to correct a grammatical error.

JUSTIFICATION FOR RULE ACTION

The commission adopts amendments to §40.6 to establish new containment zone (CZ) 7 and CZ 8, and modifies existing CZ 2, CZ 5, and CZ 6. The amendments create new surveillance zone (SZ) 9 through SZ 21, and modifies existing SZ 2, SZ 3, SZ 5, SZ 7, and SZ 8. These changes either implement or improve surveillance efforts as part of the agency's effort to manage chronic wasting disease (CWD).

CWD is a degenerative and fatal neurological communicable disease recognized by the veterinary profession that affects susceptible cervid species. CWD can spread through natural movements of infected animals and transportation of live infected animals or carcass parts. The disease can be passed through contaminated environmental conditions and may persist for a long period of time. Currently, no vaccine or treatment for CWD exists.

Expansion and creation of these containment zones follows detection of CWD. Each amended zone aligns with zones developed in consultation with the Texas Parks and Wildlife Department. The purpose of the restriction zones is to both increase surveillance and reduce the risk of CWD being spread from areas where it may exist.

HOW THE RULES WILL FUNCTION

The amendment to §40.6(b)(1)(B) modifies current Containment Zone (CZ) 2 to align with the modified zones developed in consultation with the Texas Parks and Wildlife Department.

The amendment to §40.6(b)(1)(C) does not amend the geographical area of CZ 3, but amends the format of the geographic coordinates used in the rule. Specifically, the coordinates are modified to change each coordinate to have eight decimal places rather than eleven decimal places. There is no decline in precision of these revised coordinates, as the revision still provides precision to the millimeter. These amendments help align the coordinates with standards used in geographical information systems.

The amendment to §40.6(b)(1)(E) and §40.6(b)(1)(F) changes CZ 5 and CZ 6 to align with the modified zones developed in consultation with the Texas Parks and Wildlife Department.

The amendment to §40.6(b)(1)(G) creates a new Containment Zone 7 in Hunt and Kaufman Counties in response to the detection of CWD in a deer breeder release site in those counties.

The amendment to §40.6(b)(1)(H) adds a new Containment Zone 8 in Bexar County in response to the detection of CWD in a free-range wild white-tailed deer in that county.

The amendment to §40.6(b)(2)(B) modifies current Surveillance Zone (SZ) 2 to align with the modified zones developed in consultation with the Texas Parks and Wildlife Department.

The amendment to §40.6(b)(2)(C) reduces the size of current SZ 3 to align with the modified zones developed in consultation with the Texas Parks and Wildlife Department.

The amendment to §40.6(b)(2)(E) increases the size of current SZ 5 to align with the modified zones developed in consultation with the Texas Parks and Wildlife Department.

The amendment to §40.6(b)(2)(F) updates the attached graphic.

The amendment to §40.6(b)(2)(G) reduces the current SZ 7 in order to add a new CZ within that area through amendments to §40.6(b)(1)(G).

The amendment to §40.6(b)(2)(H) reduces the size of current SZ 8 to align with the modified zones developed in consultation with the Texas Parks and Wildlife Department.

The amendment to §40.6(b)(2)(I) adds a new SZ 9 in Gillespie County in response to the detection of CWD in a deer breeding facility in that county.

The amendment to §40.6(b)(2)(J) adds a new SZ 10 in Limestone County in response to the detection of CWD in a deer breeding facility in that county.

The amendment to §40.6(b)(2)(K) and §40.6(b)(2)(L) adds a new SZ 11 and 12 in Uvalde County to align with the modified zones developed in consultation with the Texas Parks and Wildlife Department as part of the amendment to reduce the area covered by SZ 3 in §40.6(b)(2)(C).

The amendment to §40.6(b)(2)(M) adds a new SZ 13 in Zavala County in response to the detection of CWD in a deer breeding facility in that county.

The amendment to §40.6(b)(2)(N) adds a new SZ 14 in Gonzales County in response to the detection of CWD in a deer breeding facility in that county.

The amendment to §40.6(b)(2)(O) adds a new SZ 15 in Hamilton and Mills Counties in response to the detection of CWD in a deer breeding facility in Hamilton County.

The amendment to §40.6(b)(2)(P) adds a new SZ 16 in Washington County in response to the detection of CWD in a deer breeding facility in that county.

The amendment to §40.6(b)(2)(Q) adds a new SZ 17 in Uvalde, Medina, Zavala, and Frio Counties in response to the detection of CWD in a deer breeding facility in Frio County.

The amendment to §40.6(b)(2)(R) adds a new SZ 18 in Bexar County in response to the detection of one case of CWD in a free-range white-tailed deer in that county.

The amendment to §40.6(b)(2)(S) adds a new SZ 19 in Sutton County in response to the detection of CWD in a deer breeding facility in that county.

The amendment to §40.6(b)(2)(T) adds a new SZ 20 in Zavala County in response to the detection of CWD in a deer breeding facility in that county.

The amendment to §40.6(b)(2)(U) adds a new SZ 21 in Frio County in response to the detection of CWD in a deer breeding facility in that county.

SUMMARY OF COMMENTS RECEIVED AND COMMISSION RESPONSE

The 30-day comment period ended October 23, 2023.

During this period, the commission received comments from four individuals. A summary of comments relating to the rules and commission's responses follows.

Comment: Three individual commenters were critical of commission rules that impose movement restriction zones. The commenters believed that the imposition of movement restrictions does not address transmission of CWD or the environmental presence of CWD.

Response: The commission thanks the commenters for the feedback. The commission declines to further amend the rule as requested by the commenters. No changes were made as a result of these comments.

Comment: An individual commenter suggested the commission manage CWD similar to how the commission manages scrapie. In the alternative, the commenter suggested the commission designate domestic sheep as a susceptible species and require testing.

Response: The commission thanks the commenter for the feedback. No changes were made as a result of these comments.

STATUTORY AUTHORITY

The amendments to §40.6 within Chapter 40 of the Texas Administrative Code are proposed under the following statutory authority as found in Chapter 161 of the Texas Agriculture Code.

The commission is vested by statute, §161.041(a), titled "Disease Control," to protect all livestock, exotic livestock, domestic fowl, and exotic fowl from disease. The commission is authorized, through §161.041(b), to act to eradicate or control any disease or agent of transmission for any disease that affects livestock, exotic livestock, domestic fowl, or exotic fowl, even if the agent of transmission is an animal species that is not subject to the jurisdiction of the commission.

Pursuant to §161.0415, titled "Disposal of Diseased or Exposed Livestock or Fowl," the commission may require by order the slaughter of livestock, domestic fowl, or exotic fowl exposed to or infected with certain diseases.

Pursuant to §161.0417, titled "Authorized Personnel for Disease Control," the commission must authorize a person, including a veterinarian, to engage in an activity that is part of a state or federal disease control or eradication program for animals.

Pursuant to §161.046, titled "Rules," the commission may adopt rules as necessary for the administration and enforcement of this chapter.

Pursuant to §161.047, titled "Entry Power," commission personnel are permitted to enter public or private property for the performance of an authorized duty.

Pursuant to §161.048, titled "Inspection of Shipment of Animals or Animal Product," the commission may require testing, vaccination, or another epidemiologically sound procedure before or after animals are moved. An agent of the commission is entitled to stop and inspect a shipment of animals or animal products being transported in this state to determine if the shipment originated from a quarantined area or herd; or determine if the shipment presents a danger to the public health or livestock industry through insect infestation or through a communicable or non-communicable disease.

Pursuant to §161.049, titled "Dealer Records," the commission may require a livestock, exotic livestock, domestic fowl, or exotic fowl dealer to maintain records of all livestock, exotic livestock, domestic fowl, or exotic fowl bought and sold by the dealer. The commission may also inspect and copy the records of a livestock, exotic livestock, domestic fowl, or exotic fowl dealer that

relate to the buying and selling of those animals. The commission, by rule, shall adopt the form and content of the records maintained by a dealer.

Pursuant to §161.054, titled "Regulation of Movement of Animals; Exception," the commission, by rule, may regulate the movement of animals. The commission may restrict the intrastate movement of animals even though the movement of the animals is unrestricted in interstate or international commerce. The commission may require testing, vaccination, or another epidemiologically sound procedure before or after animals are moved. The commission is authorized, through §161.054(b), to prohibit or regulate the movement of animals into a quarantined herd, premises, or area. The executive director of the commission is authorized, through §161.054(d), to modify a restriction on animal movement, and may consider economic hardship.

Pursuant to §161.0541, titled "Elk Disease Surveillance Program," the commission, by rule, may establish a disease surveillance program for elk. Such rules include the requirement for persons moving elk in interstate commerce to test the elk for chronic wasting disease. Additionally, provisions must include testing, identification, transportation, and inspection under the disease surveillance program.

Pursuant to §161.0545, titled "Movement of Animal Products," the commission may adopt rules that require the certification of persons who transport or dispose of inedible animal products, including carcasses, body parts, and waste material. The commission, by rule, may provide terms and conditions for the issuance, renewal, and revocation of a certification under this section.

Pursuant to §161.056(a), titled "Animal Identification Program," the commission may develop and implement an animal identification program that is no more stringent than a federal animal disease traceability or other federal animal identification program to provide for disease control and enhance the ability to trace disease-infected animals or animals that have been exposed to disease. Section 161.056(d) authorizes the commission to adopt rules to provide for an animal identification program more stringent than a federal program only for control of a specific animal disease or for animal emergency management.

Pursuant to §161.057, titled "Classification of Areas," the commission may prescribe criteria for classifying areas in the state for disease control based on sound epidemiological principals and may prescribe control measures for classification areas.

Pursuant to §161.058, titled "Compensation of Livestock or Fowl Owner," the commission may pay indemnity to the owner of livestock or fowl if necessary to eradicate the disease.

Pursuant to §161.060, titled "Authority to Set and Collect Fees," the commission may charge a fee for an inspection made by the commission as provided by commission rule.

Pursuant to §161.061, titled "Establishment," if the commission determines that a disease listed in §161.041 of this code or an agent of transmission of one of those diseases exists in a place in this state or among livestock, exotic livestock, domestic animals, domestic fowl, or exotic fowl, or a place in this state or livestock, exotic livestock, domestic animals, domestic fowl, or exotic fowl are exposed to one of those diseases or any agent of transmission of one of those diseases, the commission shall establish a quarantine on the affected animals or on the affected place. The quarantine of an affected place may extend to any affected area, including a county, district, pasture, lot, ranch, farm, field, range, thoroughfare, building, stable, or stockyard pen. The commis-

sion may, through §161.061(c), establish a quarantine to prohibit or regulate the movement of any article or animal the commission designates to be a carrier of a disease listed in Section 161.041 or a potential carrier of one of those diseases, if movement is not otherwise regulated or prohibited for an animal into an affected area, including a county district, pasture, lot, ranch, field, range, thoroughfare, building, stable, or stockyard pen.

Pursuant to §161.0615, titled "Statewide or Widespread Quarantine," the commission may quarantine livestock, exotic livestock, domestic fowl, or exotic fowl in all or any part of this state as a means of immediately restricting the movement of animals potentially infected with disease and shall clearly describe the territory included in a quarantine area.

Pursuant to §161.065, titled "Movement from Quarantined Area; Movement of Quarantined Animals," the commission may provide a written certificate or written permit authorizing the movement of animals from quarantined places. If the commission finds animals have been moved in violation of an established quarantine or in violation of any other livestock sanitary law, the commission shall quarantine the animals until they have been properly treated, vaccinated, tested, dipped, or disposed of in accordance with the rules of the commission.

Pursuant to §161.081, titled "Importation of Animals," the commission may regulate the movement of livestock, exotic livestock, domestic animals, domestic fowl, or exotic fowl into this state from another state, territory, or country. The commission, by rule, may provide the method for inspecting and testing animals before and after entry into this state, and for the issuance and form of health certificates and entry permits.

Pursuant to §161.101, titled "Duty to Report," a veterinarian, a veterinary diagnostic laboratory, or a person having care, custody, or control of an animal shall report the existence of the disease, if required by the commission, among livestock, exotic livestock, bison, domestic fowl, or exotic fowl to the commission within 24 hours after diagnosis of the disease.

Pursuant to §161.148, titled "Administrative Penalty," the commission may impose an administrative penalty on a person who violates Chapter 161 or a rule or order adopted under Chapter 161. The penalty for a violation may be in an amount not to exceed \$5,000.

The proposed rules in this chapter for adoption do not affect other statutes, sections, or codes.

§40.6. CWD Movement Restriction Zones.

(a) Definitions. In addition to the definitions in §40.1 (relating to Definitions) of this chapter, the following words and terms, when used in this section, shall have the following meanings:

(1) Check Station--TPWD-established mandatory check stations in any CZ or SZ or any portion of a CZ or SZ for the purpose of collecting biological information on CWD susceptible species taken within a CZ or SZ.

(2) CWD Containment Zone (CZ)--A geographic area in this state which CWD has been detected or the commission has determined, using the best available science, a high risk of CWD exists or may exist.

(3) CWD Surveillance Zone (SZ)--A geographic area in the state which the commission, using the best available science, has determined or where there is a risk of CWD existing and surveillance is necessary.

(4) Exotic CWD Susceptible Species--A non-native cervid species determined to be susceptible to CWD, which means a species that has had a diagnosis of CWD confirmed by an official test conducted by an approved laboratory. This includes but is not limited to North American elk or wapiti (*Cervus canadensis*), red deer (*Cervus elaphus*), sika deer (*Cervus nippon*), moose (*Alces alces*), reindeer and caribou (*Rangifer tarandus*), muntjac (*Muntiacus*), and any associated subspecies and hybrids. All mule deer, white-tailed deer, and other native species under the jurisdiction of the Texas Parks and Wildlife Department are excluded from this definition and application of this section.

(5) Final processing--The cleaning and processing by more than quarters of CWD susceptible species for cooking or storage purposes.

(6) High fence premises--A premises enclosed on all sides by a fence adequate to prevent the ingress and egress of all exotic CWD susceptible species.

(7) Processing facility--A stationary facility designed and constructed to store or process CWD susceptible species.

(8) TPWD--The Texas Parks and Wildlife Department.

(b) Declaration of area restricted for CWD. CWD has been detected in susceptible species in different locations in Texas. This creates a high risk for CWD exposure or infection in CWD susceptible species in those geographic areas. In order to protect other areas of the state from the risk of exposure and spread of CWD, restricted areas, such as containment zones and surveillance zones, are created to protect against the spread of and exposure to CWD and have necessary surveillance to epidemiologically assess the risk. The high-risk areas are delineated as follows:

(1) Containment Zone Boundaries:

(A) Containment Zone 1. That portion of the state within the boundaries of a line beginning in Culberson County where U.S. Highway (U.S.) 62-180 enters from the State of New Mexico; thence southwest along U.S. 62-180 to Farm-to-Market Road (F.M.) 1111 in Hudspeth County; thence south on F.M. 1111 to I.H. 10 thence west along I.H. 10 to S.H. 20; thence northwest along S.H. 20 to F.M. 1088; thence south along F.M. 1088 to the Rio Grande River; thence northwest along the Rio Grande River to the Texas-New Mexico border.

Figure: 4 TAC §40.6(b)(1)(A) (No change.)

(B) Containment Zone 2. That portion of the state within the boundaries of a line beginning where I.H. 40 enters from the State of New Mexico in Deaf Smith County; thence east along I.H. 40 to U.S. 385 in Oldham County; thence north along U.S. 385 to Hartley in Hartley County; thence east along U.S. 87 to County Rd. 47; thence north along C.R. 47 to F.M. 281; thence west along F.M. 281 to U.S. 385; thence north along U.S. 385 to the Oklahoma state line.

Figure: 4 TAC §40.6(b)(1)(B)

(C) Containment Zone 3. Those portions of Bandera County, Medina County, and Uvalde County lying within the area described by the following latitude-longitude coordinate pairs: -99.37150859, 29.63847446; -99.37149089, 29.63846663; -99.37140892, 29.63848554; -99.37060541, 29.63866345; -99.36979992, 29.63883436; -99.36899251, 29.63899824; -99.36818327, 29.63915509; -99.36737228, 29.63930489; -99.36655962, 29.63944762; -99.36574537, 29.63958327; -99.36492962, 29.63971183; -99.36411244, 29.63983328; -99.36329391, 29.63994760; -99.36247412, 29.64005480; -99.36165314, 29.64015486; -99.36083106, 29.64024776; -99.36000797, 29.64033351; -99.35918393, 29.64041208;

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-99.35505256,	29.64069716;	-99.35422462,	29.64073258;	-99.25418158,	29.54975449;	-99.25420129,	29.54912857;
-99.35339632,	29.64076079;	-99.35256773,	29.64078179;	-99.25422816,	29.54850285;	-99.25426219,	29.54787738;
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-99.35008112,	29.64080150;	-99.34925224,	29.64079364;	-99.25440721,	29.54600317;	-99.25446985,	29.54537937;
-99.34842348,	29.64077856;	-99.34759495,	29.64075627;	-99.25453962,	29.54475614;	-99.25461652,	29.54413354;
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-99.34511143,	29.64064614;	-99.34428457,	29.64059503;	-99.25488992,	29.54227014;	-99.25499525,	29.54165068;
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-99.34180805,	29.64039854;	-99.34098418,	29.64031868;	-99.25535372,	29.53979818;	-99.25548733,	29.53918285;
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-99.48889412,	29.52720308;	-99.48787777,	29.52888284;	-99.48721992,	29.61380278;	-99.48674887,	29.61439855;
-99.48775111,	29.52906264;	-99.48775995,	29.52911662;	-99.48627105,	29.61499018;	-99.48578651,	29.61557763;
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-99.49171536,	29.53817447;	-99.49210564,	29.53881310;	-99.47774566,	29.62384813;	-99.47716049,	29.62436093;
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-99.47537031,	29.62586842;	-99.47476222,	29.62636044;	-99.37678455,	29.64058182;	-99.37602072,	29.64030053;
-99.47414854,	29.62684715;	-99.47352934,	29.62732849;	-99.37526014,	29.64001260;	-99.37450288,	29.63971807;
-99.47290468,	29.62780442;	-99.47227461,	29.62827489;	-99.37374902,	29.63941695;	-99.37299864,	29.63910930;
-99.47163922,	29.62873985;	-99.47099854,	29.62919925;	-99.3722518,	29.63879512;	-99.37150859,	29.63847446.
-99.47035266,	29.62965306;	-99.46970163,	29.63010122;	Figure: 4 TAC §40.6(b)(1)(C)			
-99.46904552,	29.63054369;	-99.46838440,	29.63098043;	(D) Containment Zone 4. That portion of the state lying within the boundaries of a line beginning in Val Verde County at the International Bridge and proceeding northeast along Spur 239 to U.S. 90; thence north along U.S. 90 to the intersection of U.S. 277/377, thence north along U.S. 277/377 to the U.S. 277/377 bridge at Lake Amistad (29.496183°, -100.913355°), thence west along the southern shoreline of Lake Amistad to International Boundary at Lake Amistad dam, thence south along the Rio Grande River to the International Bridge on Spur 239.			
-99.46771832,	29.63141139;	-99.46704736,	29.63183654;	Figure: 4 TAC §40.6(b)(1)(D) (No change.)			
-99.46637158,	29.63225582;	-99.46569105,	29.63266920;	(E) Containment Zone 5. That portion of the state within the boundaries of a line beginning in Lubbock County where County Road (C.R.) 3600 intersects with E. Division Street in Slaton; thence west along E. Division Street to S. New Mexico Street; thence northwest along S. New Mexico Street to Railroad Avenue; thence northwest along Railroad Avenue to Industrial Drive; thence northwest along Industrial Drive to U.S. Highway (U.S.) 84; thence northwest along U.S. 84 to State Highway (S.H.) Spur 331; thence northwest along S.H. 331 to S.H. Loop 289; thence north along S.H. Loop 289 to Farm to Market (F.M.) 40; thence east along F.M. 40 to C.R. 3650; thence south along C.R. 3650 to C.R. 6840; thence east along C.R. 6840 to C.R. 3700; thence south along C.R. 3700 to C.R. 3600; thence south along C.R. 3600 to E. Division Street.			
-99.46500583,	29.63307663;	-99.46431600,	29.63347808;	Figure: 4 TAC §40.6(b)(1)(E)			
-99.46362163,	29.63387351;	-99.46292277,	29.63426287;	(F) Containment Zone 6. That portion of Kimble County lying within the area described by the following latitude-longitude coordinate pairs: -99.64149621, 30.33874132; -99.64368510, 30.33881528; -99.64586373, 30.33901322; -99.64802279, 30.33933429; -99.65015303, 30.33977712; -99.65224534, 30.34033981; -99.65429078, 30.34101997; -99.65628058, 30.34181467; -99.65820623, 30.34272051; -99.66005949, 30.34373363; -99.66183243, 30.34484969; -99.66351745, 30.34606390; -99.66510735, 30.34737108; -99.66659532, 30.34876563; -99.66797498, 30.35024158; -99.66924042, 30.35179262; -99.67038623, 30.35341211; -99.67046478, 30.35354140; -99.67147782, 30.35460589; -99.67153231, 30.35466602; -99.67188955, 30.35506746; -99.67307523, 30.35651392; -99.67312411, 30.35657758; -99.67320400, 30.35668212; -99.67419784, 30.35767241; -99.67454917, 30.35859626; -99.67490549, 30.35911757; -99.67503636, 30.35931075; -99.67551616, 30.36002521; -99.67559375, 30.36014136; -99.67626717, 30.36115489; -99.67635112, 30.36128197; -99.67635732, 30.36129141; -99.67702442, 30.36230809; -99.67772804, 30.36343779; -99.67786171, 30.36366423; -99.67809406, 30.36406547; -99.67822368, 30.36429368; -99.67830298, 30.36443424; -99.67837167, 30.36455844; -99.67856992, 30.36489830; -99.67891471, 30.36548187; -99.67926295, 30.36606391; -99.67965467, 30.36671045; -99.67976457, 30.36689341; -99.68033394, 30.36784959; -99.68069940, 30.36848209; -99.68110363, 30.36923041; -99.68115289, 30.36932508; -99.68164128, 30.37031202; -99.68186455, 30.37079984; -99.68190773, 30.37089671; -99.68244431, 30.37219105; -99.68252473, 30.37240319; -99.68256169, 30.37250197; -99.68292311, 30.37353271; -99.68339520, 30.37497459; -99.68340763, 30.37501266; -99.68385461, 30.37638495; -99.68388655, 30.37648116; -99.68392077, 30.37656326; -99.68419882, 30.37725785; -99.68482272, 30.37907928; -99.68530791,			

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30.38470059;	-99.68591337,	30.38659996;	-99.68582891,	32.88752746;	-96.19044781,	32.88727594;	-96.18823713,
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30.39226124;	-99.68472164,	30.39410911;	-99.68407316,	32.88579133;	-96.18184487,	32.88506018;	-96.17982448,
30.39592411;	-99.68328911,	30.39769844;	-99.68237283,	32.88421569;	-96.17787392,	32.88326149;	-96.17600154,
30.39942452;	-99.68132825,	30.40109495;	-99.68015984,	32.88220167;	-96.17421536,	32.88104075;	-96.17252304,
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30.41520979;	-99.66165851,	30.41640630;	-99.65986880,	32.85777519;	-96.15127220,	32.85593654;	-96.15083704,
30.41750368;	-99.65800006,	30.41849724;	-99.65606032,	32.85406988;	-96.15054746,	32.85218318;	-96.15040471,
30.41938272;	-99.65405787,	30.42015632;	-99.65200130,	32.85028454;	-96.15040938,	32.84838208;	-96.15056145,
30.42081472;	-99.64989942,	30.42135512;	-99.64776124,	32.84648394;	-96.15086024,	32.84459827;	-96.15130449,
30.42177518;	-99.64559592,	30.42207312;	-99.64341274,	32.84273312;	-96.15189227,	32.84089649;	-96.15239458,
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30.42232543;	-99.62223849,	30.42225114;	-99.62005802,	32.82588076;	-96.16336282,	32.82586108;	-96.16485180,
30.42205280;	-99.61789721,	30.42173126;	-99.61576530,	32.82443315;	-96.16644815,	32.82309048;	-96.16814505,
30.42128789;	-99.61367144,	30.42072460;	-99.61162461,	32.82183883;	-96.16993522,	32.82068353;	-96.17078717,
30.42004380;	-99.60963356,	30.41924840;	-99.60770684,	32.82020484;	-96.17022932,	32.81879732;	-96.16964582,
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30.40422678;	-99.59285523,	30.40244409;	-99.59223292,	32.79836144;	-96.17285685,	32.79665670;	-96.17398676,
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30.39313280;	-99.59115376,	30.39242220;	-99.59118381,	32.78943091;	-96.18603824,	32.78401084;	-96.18638627,
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30.36913795;	-99.59387775,	30.36736417;	-99.59479530,	32.77666041;	-96.20432174,	32.77629221;	-96.20655502,
30.36563872;	-99.59584100,	30.36396900;	-99.59701035,	32.77604685;	-96.20880251,	32.77592537;	-96.21105458,
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30.35669637;	-99.60451936,	30.35550064;	-99.60540738,	32.77717576;	-96.22204824,	32.77778990;	-96.22412772,
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30.35489406;	-99.60555613,	30.35480273;	-99.60706423,	32.78031787;	-96.22996604,	32.78137702;	-96.23175100,
30.35342446;	-99.60867300,	30.35213467;	-99.61037555,	32.78253725;	-96.23344236,	32.78379359;	-96.23476600,
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30.34922964;	-99.61385007,	30.34880216;	-99.61555250,	32.79036721;	-96.24242856,	32.79179918;	-96.24379758,
30.34760629;	-99.61734142,	30.34650953;	-99.61808901,	32.79330999;	-96.24504672,	32.79489318;	-96.24617063,
30.34609451;	-99.61915992,	30.34551721;	-99.62361034,	32.79654197;	-96.24716450,	32.79824931;	-96.24802406,
30.34311791;	-99.62473043,	30.34253993;	-99.62666892,	32.80000789;	-96.24874563,	32.80181017;	-96.24932611,
30.34165492;	-99.62866996,	30.34088175;	-99.63072498,	32.80364845;	-96.24976301,	32.80551485;	-96.25005444,
30.34022372;	-99.63282520,	30.33968364;	-99.63496163,	32.80740138;	-96.25019915,	32.80929997;	-96.25019711,
30.33926383;	-99.63712512,	30.33896608;	-99.63930642,	32.81077494;	-96.25033341,	32.81086348;	-96.25202554,
30.33879166;	-99.64149621,	30.33874132		32.81211955;	-96.25361680,	32.81346637;	-96.25434916,
				32.81414956;	-96.25658430,	32.81630215;	-96.25733556,
				32.81705074;	-96.25870519,	32.81856138;	-96.25995492,
				32.82014440;	-96.26107940,	32.82179304;	-96.26207381,
				32.82350023;	-96.26293389,	32.82525868;	-96.26365594,
				32.82706085;	-96.26423687,	32.82889904;	-96.26467418,
				32.83076536;	-96.26496599,	32.83265182;	-96.26511104,
				32.83455037;	-96.26510871,	32.83645285;	-96.26495899,
				32.83835113;	-96.26466252,	32.84023707;	-96.26444577,
				32.84115198;	-96.26422055,	32.84210260;	-96.26363497,

Figure: 4 TAC §40.6(b)(1)(F)

(G) Containment Zone 7. Those portions of Hunt County and Kaufman County lying within the area described by the following latitude-longitude coordinate pairs:

32.88628524;	-96.20878832,	32.88691497;	-96.20833517,
32.88696470;	-96.20608501,	32.88708617;	-96.20383025,
32.88708316;	-96.20319512,	32.88705982;	-96.20316015,
32.88705826;	-96.20312586,	32.88706427;	-96.20167339,
32.88729166;	-96.19943744,	32.88753692;	-96.19718725,

29.61040682; -98.47218836, 29.60998997; -98.46848013, 29.60913209; -98.47061907, 29.60193601; and -98.47599804, 29.58358740

Figure: 4 TAC §40.6(b)(1)(H)

(2) Surveillance Zone Boundaries:

(A) Surveillance Zone 1. That portion of the state within the boundaries of a line beginning where U.S. 285 enters from the State of New Mexico in Reeves County; thence southeast along U.S. 285 to R.M. 652; thence west along R.M. 652 to Rustler Springs Rd./FM 3541 in Culberson County; thence south along Rustler Springs Rd./F.M. 3541 to F.M. 2185; thence south along F.M. 2185 to Nevel Road; thence west along Nevel Road to County Road 501; thence south along County Road 501 to Weatherby Road; thence south along Weatherby Road to F.M. 2185; thence southwest along F.M. 2185 to S.H. 54; thence south on S.H. 54 to U.S. 90; thence south along U.S. 90 to the Culberson County line; thence southwest along the Culberson County line to the Rio Grande River in Hudspeth County; thence north along the Rio Grande River to F.M. 1088; thence northeast along F.M. 1088 to S.H. 20; thence southeast along S.H. 20 to I.H. 10; thence southeast along I.H. 10 to F.M. 1111; thence north on F.M. 1111 to U.S. 62/180; thence east and north along U.S. 62/180 to the New Mexico state line in Culberson County.

Figure: 4 TAC §40.6(b)(2)(A) (No change.)

(B) Surveillance Zone 2. That portion of the state lying within a line beginning at the New Mexico state line where U.S. 60 enters Texas; thence northeast along U.S. 60 to U.S. 87 in Randall County; thence south along U.S. 87 to S.H. 217 in Canyon; thence east along S.H. 217 to F.M. 1541; thence north along F.M. 1541 to Loop 335; thence east and north along Loop 335 to S.H. 136; thence northwest along S.H. 136 to N. Lakeside Dr.; thence north along N. Lakeside Dr. to E. Willow Creek Dr.; thence west along E. Willow Creek Dr. to Denton St.; thence north along Denton St. to E. Cherry; thence west along E. Cherry to N. Eastern St.; thence south along N. Eastern St. to E. Willow Creek Dr.; thence west along E. Willow Creek Dr. to U.S. 87; thence north along U.S. 87 to the City of Dumas; thence along the city limits of Dumas to U.S. 287 in Moore County; thence north along U.S. 287 to the Oklahoma state line.

Figure: 4 TAC §40.6(b)(2)(B)

(C) Surveillance Zone 3. That portion of the state not within the CZ described in §65.81(1)(C) of this title (relating to Containment Zones; Restrictions) lying within a line beginning at the intersection of F.M. 1250 and U.S. Highway 90 in Hondo in Medina County; thence west along U.S. Highway 90 to the Sabinal River in Uvalde County; thence north along the Sabinal River to F.M. 187; thence north along F.M. 187 to F.M. 470 in Bandera County; thence east along F.M. 470 to Tarpley in Bandera County; thence south along F.M. 462 to 18th Street in Hondo; thence east along 18th Street to State Highway 173; thence south along State Highway 173 to U.S. Highway 90; thence west along U.S. Highway 90 to Avenue E (F.M. 462); thence south along Avenue E (F.M. 462) to F.M. 1250; thence west along F.M. 1250 to U.S. Highway 90.

Figure: 4 TAC §40.6(b)(2)(C)

(D) Surveillance Zone 4. That portion of the state lying within a line beginning in Val Verde County at the confluence of Sycamore Creek and the Rio Grande River (29.242341°, -100.793906°); thence northeast along Sycamore Creek to U.S. 277; thence northwest on U.S. 277 to Loop 79; thence north along Loop 79 to the Union Pacific Railroad; thence east along the Union Pacific Railroad to Liberty Drive (north entrance to Laughlin Air Force Base); thence north along Liberty Drive to U.S. 90; thence west along U.S. 90 to Loop 79; thence north along Loop 79 to the American Electric Power (AEP) Ft. Lancaster-to-Hamilton Road 138kV transmission

line (29.415542°, -100.847993°); thence north along the AEP Ft. Lancaster-to-Hamilton Road 138kV transmission line to a point where the AEP Ft. Lancaster-to-Hamilton Road 138kV transmission line turns northwest (29.528552°, -100.871618°); thence northwest along the AEP Ft. Lancaster-to-Hamilton Road 138kV transmission line to the AEP Ft. Lancaster-to-Hamilton Road maintenance road (29.569259°, -100.984758°); thence along the AEP Ft. Lancaster-to-Hamilton Road maintenance road to Spur 406; thence northwest along Spur 406 to U.S. 90; thence south along U.S. 90 to Box Canyon Drive; thence west along Box Canyon Drive to Bluebonnet Drive; thence southwest along Bluebonnet Drive to Lake Drive; thence south along Lake Drive to Lake Amistad (29.513298°, -101.172454°), thence southeast along the International Boundary to the International Boundary at the Lake Amistad dam; thence southeast along the Rio Grande River to the confluence of Sycamore Creek (29.242341°, -100.793906°).

Figure: 4 TAC §40.6(b)(2)(D) (No change.)

(E) Surveillance Zone 5. That portion of the state lying within the boundaries of a line beginning on U.S. 83 at the Kerr/Kimble County line; thence north along U.S. 83 to I.H. 10; thence northwest along I.H. 10 to South State Loop 481; thence west along South State Loop 481 to the city limit of Junction in Kimble County; thence following the Junction city limit so as to circumscribe the city of Junction before intersecting with F.M. 2169; thence east along F.M. 2169 to County Road (C.R.) 410; thence east along C.R. 410 to C.R. 412; thence south along C.R. 412 to C.R. 470; thence east along C.R. 470 to C.R. 420; thence south along C.R. 420 to F.M. 479; thence east along F.M. 479 to C.R. 443; thence south along C.R. 443 to U.S. 290; thence west along U.S. 290 to I.H. 10; thence southeast along I.H. 10 to the Kerr/Kimble County line; thence west along the Kerr/Kimble County line to U.S. 83.

Figure: 4 TAC §40.6(b)(2)(E)

(F) Surveillance Zone 6. That portion of the state within the boundaries of a line beginning at the intersection of State Highway (S.H.) 207 and Farm to Market (F.M.) 211 in Garza County; thence west along F.M. 211 to U.S. Highway (U.S.) 87 in Lynn County; thence north along U.S. 87 to F.M. 41 in Lubbock County; thence west along FM 41 to F.M. 179; thence north along F.M. 179 to F.M. 2641; thence east along F.M. 2641 to U.S. 62/82; thence east along U.S. 62/82 to S.H. 207 in Crosby County; thence south along S.H. 207 to F.M. 211 in Garza County.

Figure: 4 TAC §40.6(b)(2)(F)

(G) Surveillance Zone 7. That portion of the state lying within the boundaries of a line beginning at the intersection of S.H. 205 and U.S. Hwy. 80 in Kaufman County; thence east along U.S. 80 to North 4th Street in Wills Point in Van Zandt County; thence north along North 4th Street to F.M. 751; thence north along F.M. 751 to the south shoreline of Lake Tawakoni in Hunt County; thence west and north along the Lake Tawakoni shoreline to the confluence of Caddo Creek; thence northwest along Caddo Creek to West Caddo Creek; thence northwest along West Caddo Creek to I.H. 30; thence southwest along I.H. 30 to F.M. 548 in Rockwall County; thence southeast along F.M. 548 to S.H. 205 in Kaufman County; thence southeast along S.H. 205 to U.S. Hwy. 80.

Figure: 4 TAC §40.6(b)(2)(G)

(H) Surveillance Zone 8. Those portions of Duval County and Jim Wells County lying within the area described by the following latitude-longitude coordinate pairs:

-98.27174932,	27.95642982;	-98.27388850,	27.95652171;	-98.27601634,
27.95673759;	-98.27812373,	27.95707655;	-98.28020167,	27.95753714;
-98.28224125,	27.95811738;	-98.28423375,	27.95881480;	-98.28617065,
27.95962640;	-98.28804366,	27.96054872;	-98.28984475,	27.96157780;
-98.29156623,				

27.96270926;	-98.29320071,	27.96393824;	-98.29424069,	30.40833615;	-99.21403106,	30.40924552;	-99.21588805,
27.96481102;	-98.30642859,	27.97549504;	-98.30692922,	30.41026231;	-99.21766438,	30.41138217;	-99.21935245,
27.97594346;	-98.30836947,	27.97735119;	-98.30970297,	30.41260030;	-99.22094503,	30.41391150;	-99.22243530,
27.97883952;	-98.31092400,	27.98040208;	-98.31202734,	30.41531015;	-99.22381687,	30.41679026;	-99.22474341,
27.98203218;	-98.31300826,	27.98372285;	-98.31386255,	30.41792590;	-99.22480835,	30.41796173;	-99.22658493,
27.98546684;	-98.31458655,	27.98725670;	-98.31517715,	30.41908146;	-99.22827325,	30.42029948;	-99.22986608,
27.98908476;	-98.31563181,	27.99094320;	-98.31594859,	30.42161056;	-99.23135659,	30.42300911;	-99.23273842,
27.99282405;	-98.31612611,	27.99471927;	-98.31616361,	30.42448913;	-99.23347804,	30.42537038;	-99.23426139,
27.99662074;	-98.31606092,	27.99852032;	-98.31581848,	30.42634143;	-99.23478899,	30.42701534;	-99.23593618,
28.00040988;	-98.31543730,	28.00228132;	-98.31491902,	30.42863897;	-99.23695842,	30.43032414;	-99.23785132,
28.00412662;	-98.31426585,	28.00593788;	-98.31348058,	30.43206364;	-99.23861105,	30.43385001;	-99.23923434,
28.00770735;	-98.31256657,	28.00942745;	-98.31152772,	30.43567561;	-99.23971853,	30.43753262;	-99.24006154,
28.01109080;	-98.31036848,	28.01269028;	-98.30909381,	30.43941310;	-99.24026188,	30.44130899;	-99.24031869,
28.01421904;	-98.30770916,	28.01567053;	-98.30652297,	30.44321217;	-99.24031523,	30.44347513;	-99.24022536,
28.01677477;	-98.29476414,	28.02715940;	-98.29446157,	30.44837009;	-99.24014184,	30.45000946;	-99.23991143,
28.02742312;	-98.29287489,	28.02870162;	-98.29119733,	30.45190279;	-99.23953858,	30.45377901;	-99.23902487,
28.02988528;	-98.28943607,	28.03096903;	-98.28759867,	30.45563008;	-99.23837249,	30.45744807;	-99.23758424,
28.03194821;	-98.28569300,	28.03281864;	-98.28372721,	30.45922521;	-99.23666347,	30.46095387;	-99.23561413,
28.03357658;	-98.28216193,	28.03408628;	-98.28212907,	30.46262666;	-99.23444070,	30.46423640;	-99.23314821,
28.03409614;	-98.28209993,	28.03411285;	-98.28209629,	30.46577620;	-99.23174219,	30.46723946;	-99.23022865,
28.03411493;	-98.28025876,	28.03509401;	-98.27835296,	30.46861991;	-99.22861409,	30.46991164;	-99.22690541,
28.03596433;	-98.27638706,	28.03672216;	-98.27436947,	30.47110911;	-99.22510992,	30.47220719;	-99.22323534,
28.03736425;	-98.27230886,	28.03788785;	-98.27021404,	30.47320118;	-99.22128967,	30.47408681;	-99.21928127,
28.03829072;	-98.26809400,	28.03857112;	-98.26595782,	30.47486029;	-99.21721873,	30.47551830;	-99.21511090,
28.03872786;	-98.26381465,	28.03876027;	-98.26167369,	30.47605803;	-99.21296680,	30.47647716;	-99.21079563,
28.03866820;	-98.25954411,	28.03845206;	-98.25743503,	30.47677389;	-99.21067633,	30.47678656;	-99.21066064,
28.03811276;	-98.25535550,	28.03765176;	-98.25331442,	30.47678820;	-99.21064812,	30.47679654;	-99.21044462,
28.03707105;	-98.25132055,	28.03637309;	-98.24938243,	30.47693086;	-99.20864884,	30.47802871;	-99.20677396,
28.03556090;	-98.24750835,	28.03463794;	-98.24570636,	30.47902245;	-99.20558508,	30.47958005;	-99.20247846,
28.03360818;	-98.24398417,	28.03247603;	-98.24234916,	30.48096772;	-99.20228691,	30.48105261;	-99.19918067,
28.03124634;	-98.24113443,	28.03021887;	-98.23083476,	30.48241824;	-99.19861515,	30.48266110;	-99.19660638,
28.02104737;	-98.23050872,	28.02075285;	-98.22906895,	30.48343422;	-99.19454350,	30.48409187;	-99.19243535,
28.01934417;	-98.22773613,	28.01785493;	-98.22651595,	30.48463123;	-99.19029097,	30.48504998;	-99.18811953,
28.01629151;	-98.22541364,	28.01466061;	-98.22443393,	30.48534633;	-99.18593036,	30.48551900;	-99.18373284,
28.01296921;	-98.22358099,	28.01122456;	-98.22285847,	30.48556727;	-99.18153637,	30.48549093;	-99.17935038,
28.00943414;	-98.22226947,	28.00760562;	-98.22181649,	30.48529029;	-99.17718424,	30.48496622;	-99.17504722,
28.00574682;	-98.22150148,	28.00386570;	-98.22132577,	30.48452011;	-99.17294849,	30.48395387;	-99.17089705,
28.00197033;	-98.22129010,	28.00006883;	-98.22139462,	30.48326993;	-99.16890168,	30.48247122;	-99.16697093,
27.99816932;	-98.22163888,	27.99627996;	-98.22202182,	30.48156116;	-99.16511307,	30.48054365;	-99.16383762,
27.99440882;	-98.22254179,	27.99256392;	-98.22319656,	30.47975512;	-99.16050915,	30.47759396;	-99.16032575,
27.99075315;	-98.22398333,	27.98898427;	-98.22489870,	30.47747402;	-99.15703384,	30.47530578;	-99.15671573,
27.98726486;	-98.22593877,	27.98560226;	-98.22709906,	30.47509363;	-99.15502735,	30.47387466;	-99.15343468,
27.98400360;	-98.22837462,	27.98247572;	-98.22975997,	30.47256264;	-99.15194453,	30.47116318;	-99.15056328,
27.98102515;	-98.23106012,	27.97982198;	-98.24826906,	30.46968228;	-99.14929685,	30.46812629;	-99.14815065,
27.96478131;	-98.24845806,	27.96461741;	-98.25004429,	30.46650187;	-99.14790445,	30.46611914;	-99.14788832,
27.96333954;	-98.25172121,	27.96215650;	-98.25348165,	30.46609362;	-99.14786512,	30.46607258;	-99.14672695,
27.96107335;	-98.25531806,	27.96009472;	-98.25722260,	30.46498724;	-99.14534587,	30.46350629;	-99.14407960,
27.95922481;	-98.25918710,	27.95846733;	-98.26120316,	30.46195024;	-99.14293356,	30.46032578;	-99.14191266,
27.95782553;	-98.26326215,	27.95730215;	-98.26535527,	30.45863985;	-99.14102126,	30.45689968;	-99.14026317,
27.95689942;	-98.26747356,	27.95661908;	-98.26960795,	30.45511273;	-99.13964163,	30.45328664;	-99.13915930,
27.95646232;	-98.27174932,	27.95642982.		30.45142925;	-99.13881823,	30.44954850;	-99.13861988,

Figure: 4 TAC §40.6(b)(2)(H)

(I) Surveillance Zone 9. That portion of Gillespie County lying within the area described by the following latitude-longitude coordinate pairs: -99.17353594, 30.39743442; -99.17375688, 30.39743649; -99.18452956, 30.39756726; -99.18650307, 30.39764152; -99.18868707, 30.39784204; -99.19085129, 30.39816591; -99.19298645, 30.39861175; -99.19508343, 30.39917766; -99.19713325, 30.39986120; -99.19912714, 30.40065947; -99.20105657, 30.40156904; -99.20291327, 30.40258602; -99.20468931, 30.40370605; -99.20637708, 30.40492436; -99.20796935, 30.40623571; -99.20893862, 30.40712459; -99.20895081, 30.40713625; -99.20896777, 30.40714184; -99.21010720, 30.40753808; -99.21210135,

30.40221528; -99.15672131, 30.40122230; -99.15866610,
30.40033766; -99.16067343, 30.39956514; -99.16273472,
30.39890804; -99.16484115, 30.39836918; -99.16698371,
30.39795086; -99.16915323, 30.39765487; -99.17134042,
30.39748248; -99.17353594, 30.39743442.

Figure: 4 TAC §40.6(b)(2)(I)

(J) Surveillance Zone 10. That portion of Limestone County lying within the area described by the following latitude-longitude coordinate pairs: -96.65881805, 31.73430087; -96.66104091, 31.73442055; -96.66324986, 31.73466419; -96.66543545, 31.73503074; -96.66758833, 31.73551864; -96.66969929, 31.73612579; -96.67175930, 31.73684960; -96.67375954, 31.73768698; -96.67569145, 31.73863434; -96.67754676, 31.73968762; -96.67931753, 31.74084232; -96.68099619, 31.74209350; -96.68257554, 31.74343580; -96.68404882, 31.74486349; -96.68462217, 31.74547369; -96.69651116, 31.75847900; -96.69729894, 31.75937568; -96.69854200, 31.76095533; -96.69966152, 31.76260105; -96.70065270, 31.76430580; -96.70151130, 31.76606228; -96.70223362, 31.76786296; -96.70281656, 31.76970015; -96.70325763, 31.77156597; -96.70355493, 31.77345244; -96.70370717, 31.77535148; -96.70731370, 31.77725496; -96.70757448, 31.77915473; -96.70329009, 31.78104265; -96.70286174, 31.78291064; -96.70229126, 31.78475069; -96.70158110, 31.78655493; -96.70073427, 31.78831563; -96.69975440, 31.79002524; -96.69864568, 31.79167645; -96.69741285, 31.79326217; -96.69606120, 31.79477561; -96.69459649, 31.79621030; -96.69302502, 31.79756007; -96.69135350, 31.79881916; -96.68958909, 31.79998216; -96.68773936, 31.80104409; -96.68741119, 31.80121725; -96.68017876, 31.80498498; -96.67857967, 31.80576803; -96.67658324, 31.80661451; -96.67452622, 31.80734764; -96.67241743, 31.80796427; -96.67026590, 31.80846177; -96.66808086, 31.80909135; -96.66364780, 31.80922074; -96.66141877, 31.80922561; -96.65919415, 31.80910594; -96.65698347, 31.80886223; -96.65479621, 31.80849555; -96.65264173, 31.80800745; -96.65052927, 31.80740003; -96.64846789, 31.80667590; -96.64646642, 31.80583815; -96.64453342, 31.80489038; -96.64267720, 31.80383665; -96.64090569, 31.80268147; -96.63922649, 31.80142980; -96.63764679, 31.80008699; -96.63617335, 31.79865880; -96.63514114, 31.79753453; -96.63512907, 31.79752070; -96.63511133, 31.79751247; -96.63344919, 31.79668870; -96.63159325, 31.79563481; -96.62982203, 31.79447948; -96.62814312, 31.79322765; -96.62656372, 31.79188471; -96.62509057, 31.79045639; -96.62372999, 31.78894883; -96.62248781, 31.78736847; -96.62219923, 31.78696681; -96.61946414, 31.78308965; -96.61863432, 31.78184492; -96.61764443, 31.78013956; -96.61678727, 31.77838254; -96.61606650, 31.77658138; -96.61548520, 31.77474381; -96.61504584, 31.77287769; -96.61475032, 31.77099101; -96.61459987, 31.76909186; -96.61459514, 31.76718838; -96.61473613, 31.76528870; -96.61502224, 31.76340096; -96.61545224, 31.76153325; -96.61602426, 31.75969357; -96.61673586, 31.75788978; -96.61758398, 31.75612962; -96.61856499, 31.75442061; -96.61967467, 31.75277007; -96.62090827, 31.75118507; -96.62226051, 31.74967239; -96.62372558, 31.74823850; -96.62529723, 31.74688954; -96.62696871, 31.74563128; -96.62873287, 31.74446912; -96.63058216, 31.74340801; -96.63111304, 31.74313021; -96.64027392, 31.73843371; -96.64166941, 31.73775591; -96.64366469, 31.73690995; -96.64572042, 31.73617730; -96.64782778, 31.73556108; -96.64997777, 31.73506394; -96.65216118, 31.73468801; -96.65436867,

31.73443488; -96.65659079, 31.73430565; -96.65881805, 31.73430087.

Figure: 4 TAC §40.6(b)(2)(J)

(K) Surveillance Zone 11. That portion of Uvalde County lying within the area described by the following latitude-longitude coordinate pairs: -99.65125893, 29.37997244; -99.64901352, 29.37941401; -99.64845147, 29.37926298; -99.64642007, 29.37858685; -99.64444354, 29.37779578; -99.64253035, 29.37689314; -99.64068870, 29.37588282; -99.63892647, 29.37476913; -99.63725122, 29.37355686; -99.63567012, 29.37225119; -99.63418993, 29.37085772; -99.63281701, 29.36938243; -99.63155722, 29.36783163; -99.63041596, 29.36621197; -99.62939812, 29.36453038; -99.62890580, 29.36359183; -99.62806121, 29.36305790; -99.62638630, 29.36184549; -99.62480553, 29.36053969; -99.62429303, 29.36007755; -99.62405653, 29.35985950; -99.62381874, 29.35964254; -99.62273208, 29.35860164; -99.62135950, 29.35712623; -99.62010006, 29.35557532; -99.61895913, 29.35395557; -99.61873659, 29.35360973; -99.61862150, 29.35342799; -99.61782653, 29.35209215; -99.61693677, 29.35035578; -99.61617856, 29.34857213; -99.61555516, 29.34674886; -99.61506922, 29.34489377; -99.61503821, 29.34475276; -99.61494625, 29.34432911; -99.61463087, 29.34259115; -99.61442548, 29.34069635; -99.61436197, 29.33879385; -99.61444061, 29.33689178; -99.61466105, 29.33499830; -99.61487321, 29.33380912; -99.61491150, 29.33362019; -99.61506063, 29.33293257; -99.61556121, 29.332926107; -99.61619893, 29.32926107; -99.61697106, 29.32748209; -99.61732421, 29.32676913; -99.61746691, 29.32649127; -99.61801697, 29.32547330; -99.61904741, 29.32379784; -99.61962571, 29.32295978; -99.61999501, 29.32244439; -99.62056993, 29.32166963; -99.62184101, 29.32012634; -99.62322451, 29.31865920; -99.62471449, 29.31727448; -99.62532991, 29.31675242; -99.62534908, 29.31673658; -99.62536140, 29.31671616; -99.62601185, 29.31568933; -99.62716487, 29.31407645; -99.62843575, 29.31253310; -99.62981903, 29.31106589; -99.63130880, 29.30968110; -99.63289868, 29.30838465; -99.63458185, 29.30718209; -99.63635112, 29.30607857; -99.63819890, 29.30507881; -99.64011729, 29.30418708; -99.6418708, 29.30274253; -99.64621273, 29.30340721; -99.64413280, 29.30274253; -99.64621273, 29.30219588; -99.64832897, 29.30176960; -99.65047248, 29.30146552; -99.65263408, 29.30128493; -99.65480452, 29.30122861; -99.65487588, 29.30122887; -99.65900847, 29.30122861; -99.66110711, 29.30131575; -99.66326739, 29.30124789; -99.66150809, 29.30182382; -99.66752190, 29.30226160; -99.66959792, 29.30281955; -99.67162789, 29.30349528; -99.67360313, 29.30428591; -99.67551517, 29.30518805; -99.67735585, 29.30619784; -99.67911727, 29.30731096; -99.67954559, 29.30760570; -99.67956313, 29.30761798; -99.67958463, 29.30762363; -99.68080892, 29.30762363; -99.68283908, 29.30864382; -99.68481451, 29.30943427; -99.68672676, 29.31033624; -99.68856765, 29.31134587; -99.69032929, 29.31245884; -99.69200416, 29.31367038; -99.69358506, 29.31497531; -99.69506524, 29.31636805; -99.69643836, 29.31784263; -99.69769854, 29.31939275; -99.69884037, 29.32101177; -99.69985897, 29.32269277; -99.70074996, 29.32442854; -99.70150953, 29.32621166; -99.70213441, 29.32803449; -99.70262193, 29.32988924; -99.70296999, 29.33176795; -99.70316259, 29.33347054; -99.70358952, 29.33885328; -99.70360402, 29.33347054; -99.70358952, 29.33885328; -99.70360402, 29.33904533; -99.70366928, 29.34094779; -99.70359239, 29.34474356; -99.70337367, 29.34474356; -99.70321387, 29.35078288; -99.70322752,

29.35169864;	-99.70315061,	29.35360078;	-99.70293186,	29.34404235;	-99.74793744,	29.34242377;	-99.74691780,
29.35549443;	-99.70257219,	29.35737150;	-99.70207314,	29.34074315;	-99.74602583,	29.33900769;	-99.74526534,
29.35922394;	-99.70143683,	29.36104382;	-99.70066598,	29.33722483;	-99.74463959,	29.33540220;	-99.74415124,
29.36282334;	-99.69976390,	29.36455489;	-99.69873443,	29.33354762;	-99.74380237,	29.33166901;	-99.74359448,
29.36623103;	-99.69758198,	29.36784460;	-99.69631148,	29.32977444;	-99.74352845,	29.32787201;	-99.74360454,
29.36938868;	-99.69492837,	29.37085666;	-99.69343856,	29.32596988;	-99.74382244,	29.32407617;	-99.74418118,
29.37224223;	-99.69184845,	29.37353948;	-99.69016484,	29.32219902;	-99.74442828,	29.32121228;	-99.74475468,
29.37474283;	-99.68839493,	29.37584714;	-99.68654632,	29.3200902;	-99.74500564,	29.31914318;	-99.74564085,
29.37684766;	-99.68462691,	29.37774012;	-99.68264494,	29.31732311;	-99.74641051,	29.31554335;	-99.74731130,
29.37852068;	-99.68060890,	29.37918601;	-99.67852751,	29.31381150;	-99.74833938,	29.31213500;	-99.74949032,
29.37973324;	-99.67640970,	29.38016004;	-99.67426453,	29.31052100;	-99.75075920,	29.30897642;	-99.75214059,
29.38046457;	-99.67210121,	29.38064554;	-99.66992900,	29.30750787;	-99.75285890,	29.30681597;	-99.75290419,
29.38070216;	-99.66982079,	29.38070172;	-99.66706723,	29.30677372;	-99.75294287,	29.30672669;	-99.75358175,
29.38068663;	-99.65998003,	29.38082841;	-99.65912069,	29.30597556;	-99.75496305,	29.30450698;	-99.75645093,
29.38083583;	-99.65694891,	29.38076768;	-99.65478688,	29.30312072;	-99.75803903,	29.30182270;	-99.75972054,
29.38057523;	-99.65264386,	29.38025930;	-99.65125893,	29.30061847;	-99.76148826,	29.29951320;	-99.76333462,
29.37997244.				29.29851161;	-99.76525173,	29.29761799;	-99.76723138,

Figure: 4 TAC §40.6(b)(2)(K)

(L) Surveillance Zone 12. That portion of Uvalde County lying within the area described by the following latitude-longitude coordinate pairs: -99.77993414, 29.29464496; -99.77999035,

29.29464510;	-99.78359396,	29.29465668;	-99.78570769,
29.29472252;	-99.78786807,	29.29491273;	-99.79000964,
29.29522635;	-99.79212325,	29.29566204;	-99.79419984,
29.29621793;	-99.79623054,	29.29689166;	-99.79820666,
29.29768034;	-99.80011973,	29.29858058;	-99.80196158,
29.29958855;	-99.80372431,	29.30069993;	-99.80540038,
29.30190996;	-99.80698262,	29.30321346;	-99.80846425,
29.30460486;	-99.80983893,	29.30607821;	-99.81110077,
29.30762719;	-99.81224435,	29.30924517;	-99.81326479,
29.31092524;	-99.81415770,	29.31266021;	-99.81491926,
29.31444263;	-99.81554621,	29.31626490;	-99.81603584,
29.31811919;	-99.81619440,	29.31887664;	-99.81620950,
29.31895454;	-99.81623278,	29.31903087;	-99.81624122,
29.31905863;	-99.81673088,	29.32091293;	-99.81708112,
29.32279132;	-99.81729043,	29.32468576;	-99.81735791,
29.32658815;	-99.81728326,	29.32849033;	-99.81706679,
29.33038416;	-99.81670943,	29.33226154;	-99.81621268,
29.33411441;	-99.81557868,	29.33593484;	-99.81481014,
29.33771504;	-99.81391032,	29.33944738;	-99.81288309,
29.34112444;	-99.81173284,	29.34273904;	-99.81046449,
29.34428425;	-99.80908347,	29.34575346;	-99.80850270,
29.34629485;	-99.80851508,	29.34630490;	-99.80678762,
29.34793866;	-99.80657186,	29.34814077;	-99.80657138,
29.34814121;	-99.80655435,	29.34815700;	-99.80597613,
29.34869270;	-99.80536412,	29.34927474;	-99.80510058,
29.34952246;	-99.80509533,	29.34952734;	-99.80437562,
29.35017550;	-99.80278735,	29.35147413;	-99.80110550,
29.35267896;	-99.79933726,	29.35378481;	-99.79749021,
29.35478694;	-99.79557227,	29.35568108;	-99.79359165,
29.35646338;	-99.79155683,	29.35713048;	-99.78947655,
29.35767954;	-99.78735970,	29.35810820;	-99.78521537,
29.35841461;	-99.78305275,	29.35859747;	-99.78088110,
29.35865600;	-99.77870973,	29.35858994;	-99.77654795,
29.35839957;	-99.77440502,	29.35808572;	-99.77229014,
29.35764972;	-99.77208135,	29.35759383;	-99.77161615,
29.35752568;	-99.76950128,	29.35708963;	-99.76742352,
29.35653331;	-99.76539177,	29.35585911;	-99.76341474,
29.35506990;	-99.76150089,	29.35416907;	-99.75965843,
29.35316049;	-99.75789525,	29.35204848;	-99.75621890,
29.35083779;	-99.75602128,	29.35068405;	-99.75590514,
29.35059297;	-99.75578418,	29.35050683;	-99.75477992,
29.34976222;	-99.75319762,	29.34845804;	-99.75171611,
29.34706596;	-99.75034174,	29.34559196;	-99.74908038,

Figure: 4 TAC §40.6(b)(2)(L)

(M) Surveillance Zone 13. That portion of Zavala County lying within the area described by the following latitude-longitude coordinate pairs: -99.51049107, 28.95090385; -99.51265316,

28.95097451;	-99.51480536,	28.95116936;	-99.51693849,
28.95148756;	-99.51904340,	28.95192775;	-99.52111110,
28.95248804;	-99.52313273,	28.95316605;	-99.52509964,
28.95395887;	-99.52700343,	28.95486311;	-99.52883593,
28.95587490;	-99.53058931,	28.95698991;	-99.53225606,
28.95820337;	-99.53382905,	28.95951008;	-99.53530154,
28.96090446;	-99.53666722,	28.96238053;	-99.53792024,
28.96393199;	-99.53905524,	28.96555219;	-99.54006736,
28.96723419;	-99.54095224,	28.96897081;	-99.54170611,
28.97075459;	-99.54232572,	28.97257791;	-99.54280841,
28.97443297;	-99.54315211,	28.97631181;	-99.54335534,
28.97820640;	-99.54341747,	28.97994914;	-99.54343982,
28.99442460;	-99.54343982,	28.99442464;	-99.54344056,
28.99490529;	-99.54344056,	28.99490532;	-99.54346253,
29.00913749;	-99.54346228,	29.00929698;	-99.54338252,
29.01119871;	-99.54316142,	29.01309180;	-99.54279994,
29.01496812;	-99.54229960,	29.01681964;	-99.54166254,
29.01863843;	-99.54089149,	29.02041670;	-99.53998973,
29.02214683;	-99.53896114,	29.02382142;	-99.53781009,
29.02543328;	-99.53654153,	29.02697551;	-99.53516088,
29.02844151;	-99.53367405,	29.02982499;	-99.53208741,
29.03112002;	-99.53040774,	29.03232106;	-99.52864226,
29.03342296;	-99.52679851,	29.03442099;	-99.52488441,
29.03531089;	-99.52290814,	29.03608882;	-99.52087818,
29.03675147;	-99.51880322,	29.03729599;	-99.51669217,
29.03772004;	-99.51455406,	29.03802182;	-99.51239806,
29.03820002;	-99.51072237,	29.03825261;	-99.50919519,
29.03826650;	-99.50904828,	29.03826755;	-99.50752105,
29.03827545;	-99.50737410,	29.03827593;	-99.50594924,
29.03827773;	-99.49566970,	29.03834613;	-99.49566962,
29.03834613;	-99.49473223,	29.03835233;	-99.49296109,
29.03836402;	-99.49267467,	29.03836600;	-99.49226342,
29.03836658;	-99.49009941,	29.03829557;	-99.48794532,
29.03810029;	-99.48581040,	29.03778159;	-99.48370377,
29.03734082;	-99.48163449,	29.03677988;	-99.47961141,
29.03610118;	-99.47764320,	29.03530761;	-99.47573830,
29.03440259;	-99.47390487,	29.03338999;	-99.47215076,
29.03227415;	-99.47048349,	29.03310595;	-99.468891020,
29.02975230;	-99.46743762,	29.02835709;	-99.46607207,

29.72570801;	-97.31137184,	29.72395554;	-97.31065346,	31.51740106;	-98.26794004,	31.51599147;	-98.26655743,
29.72215820;	-97.31007131,	29.72032371;	-97.30962789,	31.51450121;	-98.26529158,	31.51293666;	-98.26414793,
29.71845990;	-97.30932508,	29.71657478;	-97.30916418,	31.51130452;	-98.26313137,	31.50961178;	-98.26224625,
29.71467640;	-97.30914586,	29.71277290;	-97.30927019,	31.50786570;	-98.26149634,	31.50607376;	-98.26125159,
29.71087243;	-97.30953663,	29.70898313;	-97.30994404,	31.50539420;	-98.26103721,	31.50477207;	-98.26067049,
29.70711309;	-97.31049066,	29.70527031;	-97.31117414,	31.50362151;	-98.26022400,	31.50187220;	-98.26019758,
29.70346269;	-97.31199155,	29.70169796;	-97.31217595,	31.50175089;	-98.26016347,	31.50163099;	-98.25975004,
29.70135935;	-97.31222358,	29.70078121;	-97.31248994,	31.49996785;	-98.25959479,	31.49917802;	-98.25948771,
29.69889191;	-97.31289724,	29.69702187;	-97.31344375,	31.49858334;	-98.25946172,	31.49843651;	-98.25934394,
29.69517908;	-97.31412710,	29.69337145;	-97.31494437,	31.49775950;	-98.25919780,	31.49681330;	-98.25918143,
29.69160670;	-97.31589205,	29.68989240;	-97.31696608,	31.49668976;	-98.25908514,	31.49594870;	-98.25891856,
29.68823587;	-97.31816186,	29.68664422;	-97.31947425,	31.49417507;	-98.25888083,	31.49227170;	-98.25898845,
29.68512425;	-97.32089764,	29.68368247;	-97.32242593,	31.49037029;	-98.25924095,	31.48847898;	-98.25963726,
29.68232504;	-97.32405258,	29.68105779;	-97.32577063,	31.48660587;	-98.26017566,	31.48475897;	-98.26085383,
29.67988612;	-97.32757271,	29.67881506;	-97.32945111,	31.48294621;	-98.26166887,	31.48117533;	-98.26261729,
29.67784918;	-97.33139780,	29.67699262;	-97.33340444,	31.47945392;	-98.26369501,	31.47778934;	-98.26489741,
29.67624905;	-97.33546245,	29.67562164;	-97.33756301,	31.47618873;	-98.26621934,	31.47465892;	-98.26679534,
29.67511308;	-97.33969715,	29.67472555;	-97.34185574,	31.47405293;	-98.26681607,	31.47403171;	-98.26682930,
29.67446070;	-97.34402952,	29.67431967;	-97.34541018,	31.47400646;	-98.26759061,	31.47264847;	-98.26866816,
29.67429469;	-97.34658982,	29.67429469;	-97.34738886,	31.47098385;	-98.26987040,	31.46938319;	-98.27119216,
29.67430305;				31.46785333;	-98.27262778,	31.46640083;	-98.27417112,
				31.46503189;	-98.27581557,	31.46375239;	-98.27755408,
				31.46256779;	-98.27937922,	31.46148316;	-98.28128317,
				31.46050315;	-98.28325778,	31.45963194;	-98.28529460,
				31.4587328;	-98.28738491,	31.45823039;	-98.28951978,
				31.45770603;	-98.29169006,	31.45730245;	-98.29388648,
				31.45702138;	-98.29609963,	31.45686400;	-98.29832004,
				31.45683101.			

Figure: 4 TAC §40.6(b)(2)(N)

(O) Surveillance Zone 15. Those portions of Hamilton County and Mills County lying within the area described by the following latitude-longitude coordinate pairs:

31.45683101;	-98.30053822,	31.45692253;	-98.30274468,
31.45713818;	-98.30492997,	31.45747704;	-98.30708475,
31.45793765;	-98.30919980,	31.45851805;	-98.31038658,
31.45890239;	-98.31669362,	31.46106098;	-98.31757314,
31.46137430;	-98.31958188,	31.46218621;	-98.32152441,
31.46310897;	-98.32339241,	31.46413863;	-98.32517789,
31.46527078;	-98.32687319,	31.46650058;	-98.32847108,
31.46782275;	-98.32996470,	31.46923166;	-98.33134765,
31.47072126;	-98.332261402,	31.47228518;	-98.33375838,
31.47391673;	-98.33477582,	31.47560893;	-98.33566198,
31.47735452;	-98.33641306,	31.47914604;	-98.33665926,
31.47982828;	-98.33754324,	31.48238871;	-98.33827257,
31.48389251;	-98.33842953,	31.48417633;	-98.33930782,
31.48590739;	-98.34005903,	31.48769889;	-98.34067194,
31.48952865;	-98.34114389,	31.49138885;	-98.34147287,
31.49327150;	-98.34160905,	31.49463708;	-98.34170158,
31.49532212;	-98.34188349,	31.49719938;	-98.34192290,
31.49910272;	-98.34181693,	31.50100420;	-98.34156604,
31.50289566;	-98.34117128,	31.50476902;	-98.34063435,
31.50661624;	-98.33995753,	31.50842941;	-98.33914372,
31.51020077;	-98.33819639,	31.51192273;	-98.33711959,
31.51358792;	-98.33591793,	31.51518919;	-98.33459656,
31.51671969;	-98.33316112,	31.51817287;	-98.33161777,
31.51954249;	-98.32997310,	31.52082268;	-98.32823418,
31.52200797;	-98.32640843,	31.52309328;	-98.32450370,
31.52407394;	-98.32252812,	31.52494576;	-98.32082827,
31.52558836;	-98.31529088,	31.52752825;	-98.31495278,
31.52764488;	-98.31286112,	31.52828820;	-98.31072479,
31.52881293;	-98.30855295,	31.52921682;	-98.30635491,
31.52949815;	-98.30414008,	31.52965569;	-98.30191796,
31.52968879;	-98.29969808,	31.52959729;	-98.29744994,
31.52938159;	-98.29530301,	31.52904261;	-98.29314668,
31.52858181;	-98.29103016,	31.52800116;	-98.28896255,
31.52730315;	-98.28774691,	31.52682831;	-98.28364524,
31.52514181;	-98.28322840,	31.52502741;	-98.28116091,
31.52432928;	-98.27915118,	31.52351678;	-98.27720783,
31.52259339;	-98.27569722,	31.52177212;	-98.27487099,
31.52129631;	-98.27451295,	31.52108726;	-98.27272703,
31.51995442;	-98.27103146,	31.51872393;	-98.26943352,

Figure: 4 TAC §40.6(b)(2)(O)

(P) Surveillance Zone 16. That portion of Washington County lying within the area described by the following latitude-longitude coordinate pairs:

-96.37818601,	30.18191727;	-96.38037261,	
30.18204179;	-96.38126142,	30.18214344;	-96.38183665,
30.18217619;	-96.38400921,	30.18242463;	-96.38615844,
30.18279594;	-96.38827512,	30.18328855;	-96.39035022,
30.18390033;	-96.39237485,	30.18462869;	-96.39434034,
30.18547049;	-96.39623829,	30.18642214;	-96.39677558,
30.18671848;	-96.39737631,	30.18705681;	-96.39866130,
30.18781788;	-96.40040012,	30.18897655;	-96.40204804,
30.19023151;	-96.40359798,	30.19157740;	-96.40504332,
30.19300845;	-96.40637787,	30.19451853;	-96.40759591,
30.19610120;	-96.40869221,	30.19774966;	-96.40966209,
30.19945688;	-96.41050137,	30.20121553;	-96.41120647,
30.20301809;	-96.41177436,	30.20485685;	-96.41220260,
30.20672393;	-96.41248933,	30.20861134;	-96.41263334,
30.21051100;	-96.41263400,	30.21241478;	-96.41249128,
30.21431451;	-96.41220581,	30.21620207;	-96.41177878,
30.21806937;	-96.41121202,	30.21990842;	-96.41101164,
30.22042153;	-96.41096546,	30.22057140;	-96.41026138,
30.22237431;	-96.40942300,	30.22413337;	-96.40845391,
30.22584103;	-96.40735824,	30.22749000;	-96.40614068,
30.22907319;	-96.40480645,	30.23058383;	-96.40361125,
30.23201544;	-96.40181128,	30.23336189;	-96.40016316,
30.23461742;	-96.39842397,	30.23577663;	-96.39660114,
30.23683457;	-96.39470249,	30.23778670;	-96.39273616,
30.23862893;	-96.39071056,	30.23935767;	-96.38863437,
30.23996978;	-96.38665406,	30.24043453;	-96.38629455,
30.24050872;	-96.38615699,	30.24053684;	-96.38400651,
30.24090835;	-96.38196210,	30.24114560;	-96.37956349,
30.24135891;	-96.37943403,	30.24137020;	-96.37724607,
30.24149469;	-96.37505342,	30.24149463;	-96.37286548,
30.24137002;	-96.37069161,	30.24112139;	-96.36854115,
30.24074981;	-96.36642330,	30.24025688;	-96.36434713,
30.23964469;	-96.36232156,	30.23891589;	-96.36035526,

30.23807359; -96.35845664, 30.23712140; -96.35663386, -99.44243593, 29.10354756; -99.44153165, 29.10527706;
30.23606340; -96.35489471, 30.23490412; -96.35324665, -99.44050047, 29.10695091; -99.43934681, 29.10856193;
30.23364854; -96.35169673, 30.23230204; -96.35025159, -99.43807560, 29.11010323; -99.43669228, 29.11156821;
30.23087038; -96.34891742, 30.22935969; -96.34769993, -99.43520278, 29.11295058; -99.43361347, 29.11424443;
30.22777646; -96.34660433, 30.22612746; -96.34563531, -99.43193115, 29.11544420; -99.43016304, 29.11654476;
30.22441976; -96.34479700, 30.22266068; -96.34409301, -99.42831670, 29.11754139; -99.42640006, 29.11842982;
30.22085774; -96.34389251, 30.22026011; -96.34343697, -99.42442131, 29.11920624; -99.42238894, 29.11986733;
30.21884608; -96.34307079, 30.21760465; -96.34264385, -99.42031166, 29.12041025; -99.41819837, 29.12083267;
30.21573733; -96.34235847, 30.21384976; -96.34221584, -99.41605812, 29.12113278; -99.41390010, 29.12130930;
30.21195002; -96.34221658, 30.21004625; -96.34236068, -99.41173354, 29.12136147; -99.40956774, 29.12128907;
30.20814660; -96.34264751, 30.20625920; -96.34307582, -99.40741198, 29.12109241; -99.40734269, 29.12108400;
30.20439213; -96.34364379, 30.20255339; -96.34434897, -99.40258844, 29.12050256; -99.40251013, 29.12049289;
30.20075085; -96.34518834, 30.19899223; -96.34615829, -99.40022873, 29.12020893; -99.39720636, 29.11986781;
30.19728505; -96.34725467, 30.19563662; -96.34847277, -99.39692727, 29.11983525; -99.39479084, 29.11951498;
30.19405400; -96.34980738, 30.19254396; -96.35125278, -99.39268286, 29.11907268; -99.39208583, 29.11891917;
30.19111296; -96.35280278, 30.18976713; -96.35445074, -99.39061689, 29.11878496; -99.39045904, 29.11876559;
30.18851223; -96.35618961, 30.18735362; -96.35801194, -99.39030879, 29.11874684; -99.38833026, 29.11844583;
30.18629627; -96.35990994, 30.18534470; -96.36187547, -99.38622233, 29.11800342; -99.38415189, 29.11744086;
30.18450297; -96.36390014, 30.18377470; -96.36597526, -99.38212782, 29.11676056; -99.38015877, 29.11596544;
30.18316299; -96.36809197, 30.18267047; -96.37024121, -99.37825320, 29.11505890; -99.37641926, 29.11404484;
30.18229924; -96.37241378, 30.18205089; -96.37460039, -99.37466482, 29.11292760; -99.37299738, 29.11171196;
30.18192649; -96.37543875, 30.18191180; -96.37683307, -99.37142410, 29.11040314; -99.36995170, 29.10900674;
30.18190253; -96.37818601, 30.18191727, -99.36858649, 29.10752875; -99.36733432, 29.10597549;
-99.36620054, 29.10435364; -99.36519001, 29.10267012;
-99.36430705, 29.10093216; -99.36355544, 29.09914720;

Figure: 4 TAC §40.6(b)(2)(P)

(Q) Surveillance Zone 17. Those portions of Uvalde County, Medina County, Zavala County, and Frio County lying within the area described by the following latitude-longitude coordinate pairs: -99.36629570, 28.98651966; -99.36840629, 28.98609813;

-99.37054371, 28.98579885; -99.37269881, 28.98562308; -99.36185468, 29.08021473; -99.36179777, 29.07578925;
-99.37457901, 28.98557124; -99.39771126, 28.98550985; -99.36179620, 29.07529296; -99.36181412, 29.07448936;
-99.39799462, 28.98551014; -99.40015739, 28.98558273; -99.36183449, 29.07395395; -99.36175088, 29.05314345;
-99.40231013, 28.98577951; -99.40444365, 28.98609962; -99.35996291, 29.05242064; -99.35805877, 29.05151383;
-99.40565242, 28.98635347; -99.41151732, 28.98633887; -99.35622624, 29.05049951; -99.35447317, 29.04938202;
-99.41178778, 28.98633916; -99.41395058, 28.98641152; -99.35280708, 29.04816615; -99.35123509, 29.04685712;
-99.41610337, 28.98660806; -99.41823694, 28.98692794; -99.34976395, 29.04546053; -99.34839994, 29.04398236;
-99.42034218, 28.98736979; -99.42241006, 28.98793172; -99.34714891, 29.04242896; -99.34601621, 29.04080696;
-99.42443174, 28.98861133; -99.42639856, 28.98940570; -99.34500669, 29.03912334; -99.34412467, 29.03738529;
-99.42830212, 28.99031145; -99.43013427, 28.99132470; -99.34337391, 29.03560026; -99.34275764, 29.03377591;
-99.43188715, 28.99244110; -99.43355328, 28.99365589; -99.34227847, 29.03192003; -99.34193845, 29.03004059;
-99.43512552, 28.99496386; -99.43659712, 28.99635942; -99.34173904, 29.02814563; -99.34168123, 29.02661115;
-99.43796180, 28.99783659; -99.43921371, 28.99938906; -99.34159160, 29.01485148; -99.34159144, 29.01448360;
-99.44034748, 29.00101018; -99.44135825, 29.00269301; -99.34167515, 29.01258199; -99.34190017, 29.01068926;
-99.44224170, 29.00443034; -99.44299403, 29.00621475; -99.34226551, 29.00881353; -99.34276962, 29.00696281;
-99.44361201, 29.00803859; -99.44409300, 29.00989406; -99.34341032, 29.00514504; -99.34418486, 29.00336800;
-99.44443492, 29.01177320; -99.44449215, 29.01219557; -99.34508992, 29.00163929; -99.34612162, 28.99996631;
-99.44450034, 29.01225994; -99.44451689, 29.01232306; -99.34727554, 28.99835622; -99.34854672, 28.99681592;
-99.44475929, 29.01332772; -99.44510124, 29.01520687; -99.34992974, 28.99535199; -99.35141865, 28.99397071;
-99.44530264, 29.01710165; -99.44536304, 29.01884947; -99.35300709, 28.99267798; -99.35468826, 28.99147933;
-99.44536322, 29.01937485; -99.44536281, 29.01952935; -99.35645495, 28.99037990; -99.35829961, 28.98938439;
-99.44528112, 29.02143103; -99.44505809, 29.02332395; -99.36021433, 28.98849705; -99.36219093, 28.98772168;
-99.44475642, 29.02488126; -99.44476655, 29.03161243; -99.36422095, 28.98706161; -99.36629570, 28.98651966.
-99.44476617, 29.03179688; -99.44468445, 29.03369858;
-99.44446139, 29.03559151; -99.44418254, 29.03703079;
-99.44426315, 29.03734169; -99.44460517, 29.03922086;
-99.44480661, 29.04111567; -99.44486682, 29.04277116;
-99.44487857, 29.04574449; -99.44487858, 29.04574806;
-99.44490723, 29.05326856; -99.44508156, 29.07206778;
-99.44508224, 29.07245062; -99.44506122, 29.07293977;
-99.44502522, 29.07658552; -99.44507753, 29.08488228;
-99.44507804, 29.08504920; -99.44507647, 29.09190192;
-99.44507605, 29.09204196; -99.44499430, 29.09394371;
-99.44481401, 29.09555051; -99.44475814, 29.09593795;
-99.44471522, 29.09622414; -99.44435153, 29.09810025;
-99.44384888, 29.09995145; -99.44320944, 29.10176982;

Figure: 4 TAC §40.6(b)(2)(Q)

(R) Surveillance Zone 18. That portion of Bexar County lying within the area described by the following latitude-longitude coordinate pairs: -98.41854190, 29.60199171; -98.41827532,

29.60036441; -98.41820173, 29.59946325; -98.41935723, 29.59934829; -98.42007975, 29.59930339; -98.42022196, 29.59928360; -98.42033977, 29.59924733; -98.42065142, 29.59905174; -98.42202496, 29.59804750; -98.42236018, 29.59768809; -98.42276917, 29.59705691; -98.42378914, 29.59510019; -98.42409289, 29.59454344; -98.42429120, 29.59410349; -98.42435498, 29.59385557; -98.42421065, 29.59263608; -98.42403694, 29.59149198; -98.42359397, 29.58835539; -98.42353507, 29.58796200; -98.42359840,

29.58659898;	-98.42353773;	29.58606800;	-98.42347607;	29.56336013;	-98.53841514;	29.56459571;	-98.53907187;
29.58559760;	-98.42336292;	29.58509626;	-98.42335201;	29.56570118;	-98.54061198;	29.56829355;	-98.54161191;
29.58470224;	-98.42323663;	29.58433722;	-98.42284944;	29.56997659;	-98.54226243;	29.57106885;	-98.54229558;
29.58363552;	-98.42194833;	29.58256384;	-98.42164384;	29.57123289;	-98.54313658;	29.57268820;	-98.54345042;
29.58210555;	-98.42140767;	29.58170873;	-98.42122424;	29.57322058;	-98.54392499;	29.57395127;	-98.54432185;
29.58126711;	-98.42088955;	29.58053576;	-98.42037267;	29.57453700;	-98.54466018;	29.57503504;	-98.54414186;
29.57928706;	-98.42017216;	29.57883008;	-98.41963723;	29.57539420;	-98.54102062;	29.57845360;	-98.54058866;
29.57762660;	-98.41900256;	29.57616433;	-98.41851816;	29.57894640;	-98.54031185;	29.57945005;	-98.54014754;
29.57505238;	-98.41828869;	29.57451270;	-98.41816393;	29.58004550;	-98.53998516;	29.58051427;	-98.53973082;
29.57408326;	-98.41811464;	29.57364380;	-98.41811312;	29.58090052;	-98.53936205;	29.58132164;	-98.53892095;
29.57335305;	-98.41813580;	29.57311746;	-98.41817130;	29.58173288;	-98.53461964;	29.58474230;	-98.53405509;
29.57286556;	-98.41822562;	29.57261390;	-98.41828558;	29.58509778;	-98.53354353;	29.58537243;	-98.53267736;
29.57240072;	-98.41900922;	29.57097946;	-98.41939967;	29.58581493;	-98.53164512;	29.58628265;	-98.53091476;
29.57105092;	-98.41958715;	29.56953305;	-98.41963876;	29.58664525;	-98.53037006;	29.58705526;	-98.52992808;
29.56908791;	-98.41960615;	29.56837038;	-98.41950418;	29.58752076;	-98.52968403;	29.58790711;	-98.52945780;
29.56782642;	-98.41927746;	29.56677697;	-98.41908810;	29.58848373;	-98.52923918;	29.58924146;	-98.52897789;
29.56615439;	-98.41901084;	29.56545568;	-98.41908462;	29.59008014;	-98.52795026;	29.59338014;	-98.52750103;
29.56501082;	-98.41918007;	29.56479118;	-98.41926892;	29.59457929;	-98.52710718;	29.59528067;	-98.52660826;
29.56458673;	-98.41983604;	29.56379917;	-98.42175866;	29.59608038;	-98.52615338;	29.59670864;	-98.52573023;
29.56145859;	-98.42902286;	29.55268827;	-98.43074139;	29.59729201;	-98.52498375;	29.59802548;	-98.52382570;
29.55072216;	-98.43213227;	29.54931344;	-98.43357650;	29.59926099;	-98.52309700;	29.60018471;	-98.52260796;
29.54787449;	-98.43582561;	29.54622488;	-98.44892509;	29.60101168;	-98.52223255;	29.60185807;	-98.52196798;
29.53755560;	-98.45141126;	29.53593596;	-98.45203902;	29.60290488;	-98.52189298;	29.60374573;	-98.52190055;
29.53552516;	-98.45283089;	29.53492322;	-98.45357662;	29.60460564;	-98.52198392;	29.60524922;	-98.52212018;
29.53432875;	-98.45438957;	29.53355805;	-98.45539005;	29.60582101;	-98.52241686;	29.60637860;	-98.52282360;
29.53256833;	-98.45740100;	29.53053667;	-98.46002663;	29.60791091;	-98.52288266;	29.60804489;	-98.52303891;
29.52782186;	-98.46306721;	29.52467998;	-98.46495711;	29.60841300;	-98.52318735;	29.60878355;	-98.52332796;
29.52266145;	-98.46740469;	29.52025102;	-98.46879769;	29.60915644;	-98.52346069;	29.60953153;	-98.52358549;
29.51887705;	-98.46944470;	29.51823662;	-98.47694841;	29.60990870;	-98.52361954;	29.61001634;	-98.52362784;
29.51997173;	-98.48392424;	29.51953000;	-98.48410956;	29.61007672;	-98.52364610;	29.61025083;	-98.52365600;
29.52033579;	-98.48413838;	29.52049974;	-98.49925779;	29.61042547;	-98.52365751;	29.61060030;	-98.52365066;
29.52028083;	-98.50344619;	29.52039156;	-98.50489026;	29.61077504;	-98.52363543;	29.61094938;	-98.52361814;
29.52038139;	-98.50594879;	29.52044841;	-98.50684240;	29.61108234;	-98.52358718;	29.61120299;	-98.52353955;
29.52043170;	-98.51263177;	29.52029887;	-98.51263081;	29.61135933;	-98.52348394;	29.61151365;	-98.52342046;
29.52036086;	-98.51264406;	29.52046001;	-98.51266734;	29.61166563;	-98.52334924;	29.61181497;	-98.52327043;
29.52054638;	-98.51271010;	29.52064588;	-98.51275752;	29.61196136;	-98.52318417;	29.61210453;	-98.52309067;
29.52076265;	-98.51280553;	29.52084070;	-98.51287290;	29.61224416;	-98.52299008;	29.61237999;	-98.52288261;
29.52094049;	-98.51295522;	29.52102754;	-98.51306681;	29.61251174;	-98.52276850;	29.61263913;	-98.52264794;
29.52113216;	-98.51316255;	29.52121154;	-98.51325059;	29.61276193;	-98.52252122;	29.61287988;	-98.52238856;
29.52127440;	-98.51358302;	29.52148688;	-98.51424016;	29.61299275;	-98.52225024;	29.61310029;	-98.52210654;
29.52195946;	-98.51431311;	29.52201628;	-98.51440069;	29.61320231;	-98.52195775;	29.61329859;	-98.52180415;
29.52208187;	-98.51448335;	29.52214740;	-98.51455989;	29.61338894;	-98.52178251;	29.61340098;	-98.52162100;
29.52221500;	-98.51463254;	29.52228502;	-98.51469500;	29.61347209;	-98.52078501;	29.61383531;	-98.51994536;
29.52234464;	-98.51474074;	29.52239649;	-98.51476915;	29.61419202;	-98.51950615;	29.61437541;	-98.51936473;
29.52243384;	-98.51510338;	29.52287321;	-98.51526609;	29.61442394;	-98.51920039;	29.61448758;	-98.51903961;
29.52310138;	-98.51543165;	29.52331903;	-98.51573653;	29.61455783;	-98.51888274;	29.61463454;	-98.51873013;
29.52371652;	-98.51575023;	29.52377640;	-98.51712304;	29.61471754;	-98.51858211;	29.61480665;	-98.51843898;
29.52558068;	-98.52265287;	29.53284773;	-98.52511432;	29.61490169;	-98.51830107;	29.61500244;	-98.51818688;
29.53608202;	-98.52552347;	29.53665562;	-98.52583210;	29.61510869;	-98.51804209;	29.61522021;	-98.51792157;
29.53712119;	-98.52623029;	29.53779520;	-98.52667568;	29.61533676;	-98.51780738;	29.61545807;	-98.51769978;
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29.60628188;	-98.41828853,	29.60587454;	-98.41839652,	30.45239774;	-100.3594869,	30.45100400;	-100.3610858,
29.60530666;	-98.41858739,	29.60449833;	-98.41873681,	30.44969805;	-100.3627799,	30.44848547;	-100.3645618,
29.60381022;	-98.41876389,	29.60336208;	-98.41869538,	30.44737145;	-100.3664239,	30.44636077;	-100.3683584,
29.60272300;	-98.41856769,	29.60208317;		30.44545774;	-100.3703568,	30.44466624;	-100.3724106,

Figure: 4 TAC §40.6(b)(2)(R)

(S) Surveillance Zone 19. That portion of Sutton County lying within the area described by the following latitude-longitude coordinate pairs: -100.4812107, 30.62351294; -100.4766784, 30.62401893; -100.4747603, 30.62408038; -100.4747226, 30.62408050; -100.4449845, 30.62415852; -100.4428218, 30.62410376; -100.4406301, 30.62392471; -100.4384567, 30.62362205; -100.4363109, 30.62319707; -100.4342018, 30.62265159; -100.4321385, 30.62198794; -100.4301298, 30.62120898; -100.4281844, 30.62031804; -100.4263105, 30.61931894; -100.4245163, 30.61821596; -100.4228094, 30.61701382; -100.4211970, 30.61571768; -100.4196862, 30.61433310; -100.4182834, 30.61286600; -100.4169945, 30.61132267; -100.4158251, 30.60970972; -100.4147803,

30.46570431;	-100.4544790,	30.46758141;	-100.4547034,	28.98503677;	-99.54985880,	28.98643602;	-99.55117764,
30.46947528;	-100.4547843,	30.47137782;	-100.4547215,	28.98740873;	-99.55275135,	28.98871523;	-99.55422455,
30.47328086;	-100.4545275,	30.47509013;	-100.4539130,	28.99010940;	-99.55559093,	28.99158530;	-99.55684463,
30.47936729;	-100.4539005,	30.47945343;	-100.4538376,	28.99313659;	-99.55798029,	28.99475664;	-99.55899303,
30.47985820;	-100.4535052,	30.48188829;	-100.4532190,	28.99643852;	-99.55987852,	28.99817502;	-99.56063296,
30.48336317;	-100.4530995,	30.48387047;	-100.4525533,	28.99995872;	-99.56125311,	29.00178198;	-99.56133034,
30.48608961;	-100.4521823,	30.48743815;	-100.4515528,	29.00204440;	-99.56133273,	29.00205269;	-99.56134113,
30.48926224;	-100.4507868,	30.49104677;	-100.4502451,	29.00205700;	-99.56316032,	29.00306085;	-99.56491495,
30.49209451;	-100.4505488,	30.49222515;	-100.4509297,	29.00417540;	-99.56658293,	29.00538843;	-99.56815715,
30.49239158;	-100.4553328,	30.49434605;	-100.4566410,	29.00669475;	-99.56963084,	29.00808876;	-99.57099770,
30.49495876;	-100.4609753,	30.49709719;	-100.4610213,	29.00956450;	-99.57225188,	29.01111565;	-99.57338801,
30.49711994;	-100.4610497,	30.49713402;	-100.4642991,	29.01273558;	-99.57440121,	29.01441735;	-99.57528713,
30.49874659;	-100.4643307,	30.49876226;	-100.4674004,	29.01615376;	-99.57604199,	29.01793738;	-99.57666255,
30.50028934;	-100.4705812,	30.50183564;	-100.4708096,	29.01976058;	-99.57714613,	29.02161554;	-99.57749066,
30.50194766;	-100.4709103,	30.50199773;	-100.4730119,	29.02349434;	-99.57769466,	29.02538892;	-99.57775724,
30.50304645;	-100.4747832,	30.50399480;	-100.4765759,	29.02729117;	-99.57772470,	29.02847436;	-99.57699091,
30.50509707;	-100.4782815,	30.50629849;	-100.4798928,	29.04294972;	-99.57694433,	29.04366831;	-99.57672382,
30.50759390;	-100.4802048,	30.50786526;	-100.4811328,	29.04556148;	-99.57636286,	29.04743793;	-99.57586299,
30.50868309;	-100.4823308,	30.50979558;	-100.4837332,	29.04928961;	-99.57522635,	29.05110860;	-99.57445565,
30.51126197;	-100.4850217,	30.51280462;	-100.4861911,	29.05288711;	-99.57355420,	29.05461751;	-99.57252583,
30.51441693;	-100.4862772,	30.51454559;	-100.4866978,	29.05629240;	-99.57137496,	29.05790459;	-99.57010651,
30.51517737;	-100.4881254,	30.51648543;	-100.4895279,	29.05944719;	-99.56872590,	29.06091358;	-99.56723905,
30.51795176;	-100.4908167,	30.51949436;	-100.4919862,	29.06229748;	-99.56565233,	29.06359295;	-99.56397252,
30.52110661;	-100.4930315,	30.52278163;	-100.4939480,	29.06479446;	-99.56220683,	29.06589685;	-99.56036281,
30.52451223;	-100.4947318,	30.52629102;	-100.4953796,	29.06689539;	-99.55844837,	29.06778580;	-99.55647171,
30.52811038;	-100.4958886,	30.52996252;	-100.4962566,	29.06856428;	-99.55444130,	29.06922748;	-99.55236584,
30.53183951;	-100.4963389,	30.53240340;	-100.4963417,	29.06977256;	-99.55025422,	29.07019719;	-99.54811550,
30.53242464;	-100.4963529,	30.53244371;	-100.4964511,	29.07049954;	-99.54595885,	29.07067831;	-99.54379349,
30.53261281;	-100.4973678,	30.53434340;	-100.4981518,	29.07073276;	-99.54368348,	29.07073220;	-99.54367904,
30.53612217;	-100.4987997,	30.53794151;	-100.4993088,	29.07073217;	-99.54367064,	29.07073211;	-99.54160517,
30.53979364;	-100.4996769,	30.54167062;	-100.4998941,	29.07071812;	-99.54160515,	29.07071812;	-99.52332602,
30.54346535;	-100.4998954,	30.54348042;	-100.4999047,	29.07059281;	-99.52135033,	29.07057911;	-99.52004080,
30.54349321;	-100.5005000,	30.54434266;	-100.5015456,	29.07057001;	-99.51799446,	29.07050011;	-99.51583960,
30.54601761;	-100.5024625,	30.54774816;	-100.5032467,	29.07030531;	-99.51370387,	29.06998707;	-99.51159643,
30.54952690;	-100.5038948,	30.55134622;	-100.5044041,	29.06954676;	-99.50952630,	29.06898628;	-99.50750235,
30.55319832;	-100.5047723,	30.55507529;	-100.5049980,	29.06830801;	-99.50553327,	29.06751487;	-99.50362748,
30.55696909;	-100.5050792,	30.55877167;	-100.5051018,	29.06661025;	-99.50179315,	29.06559804;	-99.50003814,
30.56121145;	-100.5056428,	30.56223238;	-100.5064272,	29.06448257;	-99.49836996,	29.06326862;	-99.49679578,
30.56401110;	-100.5070755,	30.56583041;	-100.5075849,	29.06196140;	-99.49532231,	29.06056650;	-99.49395588,
30.56768250;	-100.5079533,	30.56955946;	-100.5081790,	29.05908990;	-99.49270233,	29.05753793;	-99.49156702,
30.57145325;	-100.5082611,	30.57335576;	-100.5082612,	29.05591724;	-99.49055483,	29.05423477;	-99.48967007,
30.57338157;	-100.5082841,	30.57872056;	-100.5082827,	29.05249773;	-99.48891652,	29.05071356;	-99.48829742,
30.57911370;	-100.5082225,	30.58441892;	-100.5082469,	29.04888990;	-99.48781540,	29.04703457;	-99.48747252,
30.59493311;	-100.5081847,	30.59676084;	-100.5079790,	29.04515550;	-99.48727023,	29.04326076;	-99.48720909,
30.59865635;	-100.5076305,	30.60053616;	-100.5071406,	29.04153365;	-99.48714961,	29.00389591;	-99.48714993,
30.60239222;	-100.5065113,	30.60421659;	-100.5057455,	29.00372072;	-99.48723079,	29.00181902;	-99.48745294,
30.60600145;	-100.5048463,	30.60773915;	-100.5038175,	28.99992605;	-99.48781544,	28.99804990;	-99.48831672,
30.60942226;	-100.5026637,	30.61104356;	-100.5013897,	28.99619861;	-99.48895463,	28.99438011;	-99.48972642,
30.61259610;	-100.5000011,	30.61407324;	-100.4985036,	28.99260219;	-99.49062880,	28.99087244;	-99.49165788,
30.61546864;	-100.4969038,	30.61677632;	-100.4952085,	28.98919828;	-99.49280926,	28.98758687;	-99.49407800,
30.61799069;	-100.4934249,	30.61910653;	-100.4915607,	28.98604510;	-99.49545867,	28.98457959;	-99.49694535,
30.62011907;	-100.4896239,	30.62102397;	-100.4876228,	28.98319659;	-99.49853168,	28.98190203;	-99.50021086,
30.62181735;	-100.4855660,	30.62249581;	-100.4834622,	28.98070145;	-99.50114533,	28.98009924;	-99.50172517,
30.62305643; and	-100.4813205,	30.62349683.		28.97973912;	-99.50255555,	28.97923985;	-99.50439850,

Figure: 4 TAC §40.6(b)(2)(S)

(T) Surveillance Zone 20. That portion of Zavala County lying within the area described by the following latitude-longitude coordinate pairs: -99.52095362, 28.97441019; -99.52311623, 28.97448068; -99.52526898, 28.97467535; -99.52740265, 28.97499337; -99.52950812, 28.97543339; -99.53157637, 28.97599353; -99.53359857, 28.97667138; -99.53556604, 28.97746404; -99.53747039, 28.97836813; -99.53930344, 28.97937978; -99.54079805, 28.98031998; -99.54725024, 28.98462158; -99.54750957, 28.98479625; -99.54785821,

Figure: 4 TAC §40.6(b)(2)(T)

(U) Surveillance Zone 21. That portion of Frio County lying within the area described by the following latitude-longitude coordinate pairs: -99.10947651, 28.69215145; -99.11163256, 28.69222899; -99.11377824, 28.69243067; -99.11590438,

28.69275562;	-99.11800189,	28.69320245;	-99.12006179,	28.69504554;	-99.09683738,	28.69427447;	-99.09886308,
28.69376926;	-99.12207526,	28.69445361;	-99.12403368,	28.69361879;	-99.10093306,	28.69308130;	-99.10303845,
28.69525258;	-99.12592869,	28.69616275;	-99.12659659,	28.69266429;	-99.10517025,	28.69236957;	-99.10731933,
28.69651843;	-99.12668014,	28.69656412;	-99.12676773,	28.69219837;	-99.10947651,	28.69215145.	
28.69660349;	-99.12850325,	28.69744239;	-99.13032677,	Figure: 4 TAC §40.6(b)(2)(U)			
28.69845983;	-99.13140943,	28.69914300;	-99.13209387,	(c) Containment Zone (CZ) Requirements:			
28.69945609;	-99.13322398,	28.69999795;	-99.13329078,	(1) Movement. No exotic CWD susceptible species may			
28.70003149;	-99.13336135,	28.70005836;	-99.13510257,	be transported outside the CZ unless from a certified herd as established			
28.70077519;	-99.13699779,	28.70168519;	-99.13882148,	through §40.3 (relating to CWD Herd Certification Program) of this			
28.70270251;	-99.14003655,	28.70346643;	-99.14007660,	chapter.			
28.70349283;	-99.14012119,	28.70351279;	-99.14190599,	(2) Released Animals. No exotic CWD susceptible species			
28.70437350;	-99.14372978,	28.70539075;	-99.14391923,	may be released within the CZ outside a high fence premises.			
28.70551213;	-99.14539722,	28.70594455;	-99.14585189,	(3) Testing. All exotic CWD susceptible species, 12			
28.70608083;	-99.14786580,	28.70676477;	-99.14982468,	months of age or older, that are hunter harvested shall be tested for			
28.70756334;	-99.15172017,	28.70847313;	-99.15354414,	CWD within seven days using an official CWD test. Unless the whole			
28.70949024;	-99.15528879,	28.71061032;	-99.15694666,	head is submitted for testing, postmortem tissue samples must be			
28.71182857;	-99.15851063,	28.71313979;	-99.15997403,	collected and prepared by a state or federal animal health official,			
28.71453387;	-99.16133057,	28.71601831;	-99.16257445,	an accredited veterinarian, or a certified CWD postmortem sample			
28.71757328;	-99.16370035,	28.71919663;	-99.16470342,	collector. No part of a carcass of an exotic CWD susceptible species,			
28.72088142;	-99.16557939,	28.72262042;	-99.16632448,	either killed or found dead may be removed from the CZ unless			
28.72440620;	-99.16693550,	28.72623111;	-99.16740983,	postmortem tissue samples have been collected and tested using an			
28.72808734;	-99.16774543,	28.72996695;	-99.16794085,	official CWD test and it is transported in accordance with subsection			
28.73186187;	-99.16799525,	28.73376401;	-99.16790840,	(e) of this section. The results and laboratory report shall be provided			
28.73566521;	-99.16768064,	28.73755734;	-99.16731295,	to the commission within 14 days of receiving the test results by			
28.73943229;	-99.16680690,	28.74128203;	-99.16616464,	mail to Texas Animal Health Commission, CWD Susceptible Species			
28.74309864;	-99.16538893,	28.74487433;	-99.16448306,	Reporting, P.O. Box 12966, Austin, Texas 78711-2966; by fax to (512)			
28.74660151;	-99.16345093,	28.74827276;	-99.16229694,	719-0729; or by email to CWD reports@tahc.texas.gov.			
28.74988094;	-99.16102603,	28.75141915;	-99.15964364,	(4) Carcass Movement Restrictions. No part of a carcass			
28.75288080;	-99.15843742,	28.75401215;	-99.14737087,	of a CWD susceptible species, either killed or found dead, within the			
28.76385008;	-99.13313233,	28.77650664;	-99.13284766,	CZ may be removed from the CZ unless it is in accordance with the			
28.77675657;	-99.13125982,	28.77804637;	-99.12957959,	requirements of subsection (e) of this section.			
28.77924189;	-99.12781417,	28.78033801;	-99.12597112,	(5) Escaped Animals. Any escaped exotic CWD suscepti-			
28.78133003;	-99.12405834,	28.78221370;	-99.12208401,	ble species which originated or resided in a CZ shall be captured and			
28.78298524;	-99.12005661,	28.78364133;	-99.11798482,	returned to the high fence premises of origin.			
28.78417916;	-99.11587752,	28.78459644;	-99.11374373,	(6) Herd Plans. Facilities and associated properties in the			
28.78489136;	-99.11159261,	28.78506268;	-99.10943338,	CZ that have been issued a herd plan shall operate in accordance with			
28.78510964;	-99.10727528,	28.78503206;	-99.10512757,	the herd plan requirements as determined by the commission.			
28.78483026;	-99.10299946,	28.78450511;	-99.10090005,	(7) Identification. All exotic CWD susceptible species re-			
28.78405800;	-99.09883836,	28.78349085;	-99.09682322,	leased in a CZ shall be identified with a visible official identification			
28.78280609;	-99.09486325,	28.78200665;	-99.09296687,	device, which may include an eartag that conforms to the USDA al-			
28.78109597;	-99.09149583,	28.78028691;	-99.09125380,	phanumeric National Uniform Eartagging System or an animal identi-			
28.78014587;	-99.09090016,	28.77993690;	-99.08929360,	fication number (AIN), which may include a RFID device. If a CWD			
28.77891066;	-99.07971469,	28.77239504;	-99.07957611,	susceptible species is released into a high fence premises, the animal			
28.77230024;	-99.07816804,	28.77127527;	-99.07498786,	shall retain the acceptable official identification.			
28.76882661;	-99.07453642,	28.76847900;	-99.07108466,	(d) Surveillance Zone (SZ) Requirements:			
28.76582097;	-99.07083483,	28.76562661;	-99.06927120,	(1) Movement. Prior to the movement of an exotic CWD			
28.76431426;	-99.06780836,	28.76291459;	-99.06718210,	susceptible species outside an SZ or from one premises in the SZ to			
28.76224126;	-99.06683123,	28.76197652;	-99.06632774,	another premises within the SZ, the premises of origin shall have an			
28.76158877;	-99.06476423,	28.76027637;	-99.06330151,	epidemiological risk assessment conducted by the commission.			
28.75887665;	-99.06194586,	28.75739561;	-99.06070308,	(2) Released Animals. No exotic CWD susceptible species			
28.75583961;	-99.05957848,	28.75421530;	-99.05857687,	may be released within the SZ outside a high fence premises.			
28.75252964;	-99.05770255,	28.75078986;	-99.05695925,	(3) Testing. All exotic CWD susceptible species, 12			
28.74900341;	-99.05635014,	28.74717794;	-99.05587784,	months of age or older, that are hunter harvested shall be tested for			
28.74532127;	-99.05554434,	28.74344135;	-99.05535108,	CWD within seven days using an official CWD test. Unless the whole			
28.74154623;	-99.05529887,	28.73964404;	-99.05538793,	head is submitted for testing, postmortem tissue samples must be			
28.73774291;	-99.05561786,	28.73585099;	-99.05598768,	collected and prepared by a state or federal animal health official,			
28.73397637;	-99.05649580,	28.73212709;	-99.05714003,	an accredited veterinarian, or a certified CWD postmortem sample			
28.73031105;	-99.05791760,	28.72853605;	-99.05882518,	collector. No part of a carcass of an exotic CWD susceptible species,			
28.72680966;	-99.05985888,	28.72513928;	-99.06101426,				
28.72353207;	-99.06228639,	28.72199490;	-99.06366980,				
28.72053435;	-99.06483003,	28.71944545;	-99.08575213,				
28.70078859;	-99.08608054,	28.70049975;	-99.08766772,				
28.69921058;	-99.08934708,	28.69801568;	-99.09111144,				
28.69692015;	-99.09295325,	28.69592869;	-99.09486463,				

either killed or found dead may be removed from the SZ unless postmortem tissue samples have been collected and tested using an official CWD test and it is transported in accordance with subsection (e) of this section. The results and laboratory report shall be provided to the commission within 14 days of receiving the test results by mail to Texas Animal Health Commission, CWD Susceptible Species Reporting, P.O. Box 12966, Austin, Texas 78711-2966; by fax to (512) 719-0729; or by email to CWD_reports@tahc.texas.gov.

(4) Carcass Movement Restrictions. No part of a carcass of a CWD susceptible species, either killed or found dead, within the SZ may be removed from the SZ unless it is in accordance with the requirements of subsection (e) of this section.

(5) Escaped Animals. Any escaped exotic CWD susceptible species which originated or resided in an SZ shall be captured and returned to the high fence premises of origin.

(6) Herd Plans. Facilities and associated properties in the SZ that have been issued a herd plan shall operate in accordance with the herd plan requirements as determined by the commission.

(7) Identification. All exotic CWD susceptible species released in an SZ shall be identified with a visible official identification device, which may include an eartag that conforms to the USDA alphanumeric National Uniform Eartagging System or an animal identification number (AIN), which may include a RFID device. If a CWD susceptible species is released into a high fence premises, the animal shall retain the acceptable official identification.

(e) Carcass Movement Restrictions:

(1) No person shall transport or cause the transport of any part of a CWD susceptible species from a property within a CZ or SZ unless:

(A) meat has been cut up and packaged (boned or filleted);

(B) a carcass has been reduced to quarters with no brain or spinal tissue present;

(C) a cleaned hide (skull and soft tissue must not be attached or present);

(D) a whole skull (or skull plate) with antlers attached, provided the skull plate has been completely cleaned of all soft tissue;

(E) finished taxidermy products;

(F) cleaned teeth; or

(G) tissue prepared and packaged for delivery to and use by a diagnostic or research laboratory with results accessible to the commission.

(2) A CWD susceptible species harvested in a CZ or SZ may be transported from the CZ or SZ, provided it is accompanied by a TPWD-issued check-station receipt, which is required during the operation of the mandatory TPWD check-stations in the CZ or SZ, and that receipt shall remain with the CWD susceptible species until it reaches the possessor's permanent residence, a processing facility for final processing, or another location as permitted by the commission on a VS Form 1-27.

(3) The skinned or unskinned head of a CWD susceptible species from a CZ or SZ may be transported to a taxidermist for taxidermy purposes, provided all brain material, soft tissue, spinal column, and any unused portions of the head are disposed of by the taxidermist in a landfill permitted by the Texas Commission on Environmental Quality.

(f) The executive director may authorize movement. If movement is necessary or desirable to promote the objectives of this chapter or to minimize the economic impact of the restricted CWD susceptible species without endangering those objectives or the health and safety of other CWD susceptible species within the state, the executive director may authorize movement in a manner that creates minimal risk to the other CWD susceptible species in the state.

(g) A commission representative shall annually review the movement restriction zones and recommend to the commission whether to modify or rescind the zones.

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

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Jeanine Coggeshall

General Counsel

Texas Animal Health Commission

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For further information, please call: (512) 839-0511



CHAPTER 56. GRANTS, GIFTS, AND DONATIONS

4 TAC §§56.1 - 56.7

The Texas Animal Health Commission (commission) in a duly noticed meeting on January 23, 2024, adopted amendments to Title 4, Texas Administrative Code, Chapter 56 titled "Grants, Gifts, and Donations." Chapter 56 is adopted without changes to the proposed text published in the September 1, 2023, issue of the *Texas Register* (48 TexReg 4725) and will not be republished.

JUSTIFICATION FOR RULE ACTION

The commission adopts amendments to Chapter 56 to update the rule language to reflect the current preferred terminology, for ease of use and readability, and to bring the requirements of gift acceptance in better alignment with statutory requirements. The chapter sets forth rules and guidelines by which the commission may accept and solicit gifts. The chapter also includes standards of conduct on how commissioners and employees must conduct themselves when dealing with private donors.

HOW THE RULES WILL FUNCTION

Section 56.1 states the purpose of Chapter 56 is to establish rules for accepting gifts and for governing conduct between private donors and the commission. The amendments update rule language to reflect current preferred commission terminology.

Section 56.2 defines terms used within the chapter. The amendments add definitions for "Commissioner" and "Executive director." The amendments clarify the definition of "Private donor" and remove the definition of "Officer."

Section 56.3 outlines rules for accepting donations. The amendments clarify the responsibilities of the executive director and when donations must be acknowledged by a majority of the commissioners in an open meeting. The amendments are designed

to bring this section into better alignment with Chapter 575 of the Texas Government Code.

Section 56.4 specifies when the commission may solicit gifts. The amendments move the reporting requirement to Section 56.3 to clarify that the requirement applies to all accepted grants, gifts, or donations.

Section 56.5 details what type of donations may be made to the commission. The amendments update rule language for readability and clarifies that donations may be for any amount and with or without restrictions.

Section 56.6 outlines standards of conduct between commissioners, employees, and private donors. The amendments update rule language to reflect current preferred commission terminology.

Finally, Section 56.7 prohibits acceptance of gifts from a party in a contested case. The amendments update rule language for readability.

SUMMARY OF COMMENTS RECEIVED AND COMMISSION RESPONSE

The 30-day comment period ended October 1, 2023.

During this period, the commission did not receive comments regarding the proposed rule.

STATUTORY AUTHORITY

The amendments are adopted under §161.0311 of the Texas Agriculture Code which provides that the commission may solicit and accept gifts, grants, and donations for purposes consistent with Chapter 161.

The amendments are adopted under the Texas Agriculture Code, Chapter 161, §161.046 which authorizes the commission to promulgate rules in accordance with the Texas Agriculture Code.

The amendments conform to the requirements contained in Chapter 575 of the Texas Government Code, relating to Acceptance of Gift by State Agency. The amendments conform to the requirements contained in §2204.002 of the Texas Government Code, relating to restrictions on real property gifts.

The proposed rules for adoption in this chapter do not affect other statutes, articles, or codes.

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

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

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Jeanine Coggeshall

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TITLE 16. ECONOMIC REGULATION

PART 3. TEXAS ALCOHOLIC BEVERAGE COMMISSION

CHAPTER 33. LICENSING

SUBCHAPTER E. EVENTS AT A TEMPORARY LOCATION

16 TAC §§33.70 - 33.72, 33.76, 33.77, 33.81

The Texas Alcoholic Beverage Commission (TABC) adopts amendments to 16 TAC §§33.70 - 33.72, 33.76, 33.77, and 33.81, relating to Events at a Temporary Location. The amendments are adopted without changes to the proposed text as published in the December 1, 2023, issue of the *Texas Register* (48 TexReg 6984). The amended rules will not be republished.

REASONED JUSTIFICATION. The amendments are necessary to implement legislation. Senate Bill 926 (88th Regular Session) authorized the temporary sale of wine and malt beverages by a mixed beverage permit holder in certain high-capacity facilities that are open to the public during certain motor vehicle racing events. Senate Bill 1375 (88th Regular Session) authorized a distiller's and rectifier's permit holder to conduct samplings or tastings at certain temporary events. Sections 71, 112, 122, 128, and 247 of House Bill 1545 (86th Regular Session) authorized various permit holders to sell different alcoholic beverages at certain temporary events. These bills all required TABC to adopt implementing rules.

The amendments to §§33.72, 33.77(f), and 33.81 implement SB 926 by: (1) acknowledging that mixed beverage permittees may sell wine and malt beverages for more than four consecutive days at an authorized temporary event, as provided in Alcoholic Beverage Code §28.20(c); (2) clarifying the recordkeeping and reporting obligations of mixed beverage permittees who sell wine or malt beverages in a county other than the county in which the temporary event premises is located, consistent with Alcoholic Beverage Code §28.20(e); (3) clarifying that if an authorized temporary event is held in a county that includes more than one territory, as that term is defined by Alcoholic Beverage Code §102.71(5), the mixed beverage permittee must purchase malt beverages from the distributor holding the territorial agreement covering the temporary event location; and (4) clarifying that if an authorized temporary event is held in a county other than the county in which the mixed beverage permit holder's premises is located, the mixed beverage permittee must purchase wine from a wholesaler authorized to sell wine in the county covering the temporary event location.

The amendments to §§33.70, 33.71, 33.76, and 33.77(d) implement SB 1375 and HB 1545 by: (1) changing the scope and applicability of Chapter 33, Subchapter E to include temporary events conducted under Chapter 14 of the Alcoholic Beverage Code; (2) acknowledging that certain temporary events are eligible for File and Use Notification even if sponsored by a distiller's and rectifier's permittee or winery permittee; (3) providing that distilled spirits samplings or tastings at temporary events conducted in accordance with Alcoholic Beverage Code §14.09 may be conducted using File and Use Notification, without the need to obtain prior approval from the Commission; and (4) clarifying the requirements to verify the wet/dry status of the governing jurisdiction where the temporary event will be held.

SUMMARY OF COMMENTS. TABC received one comment from the Texas Distilled Spirits Association supporting the amendments to §33.71.

COMMENT: The commenter supports the proposed changes to §33.71, which allow distillers to "conduct distilled spirits sampling or tasting at a civic or distilled spirits festival, farmers' market celebration or similar event...without obtaining prior approval...by submitting a notice on forms provided by the commission." The commenter states that "[b]ecause a distiller cannot sell bottles at these temporary events, TDSA agrees that notifying the commission, without needing prior approval, is the best solution for participating in temporary events."

AGENCY RESPONSE: TABC appreciates the comment.

STATUTORY AUTHORITY. TABC adopts the amendments under §§5.31, 14.09(g), 16.12(c), 25.16(c), 28.19(c), 28.20(g), 32.25(d), and 69.18(c) of the Alcoholic Beverage Code. Section 5.31 authorizes TABC to prescribe and publish rules necessary to carry out the provisions of the Alcoholic Beverage Code. Section 14.09(g) requires TABC to adopt rules to implement distilled spirits sampling at temporary events. Section 28.20(g) requires TABC to adopt rules implementing temporary sales at certain racing facilities. Sections 16.12(c), 25.16(c), 28.19(c), 32.25(d), and 69.18(c) require TABC to adopt rules implementing temporary sales by various permittees at a temporary event location.

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

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Matthew Cherry

Senior Counsel

Texas Alcoholic Beverage Commission

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For further information, please call: (512) 206-3491



CHAPTER 41. AUDITING SUBCHAPTER B. RECORDKEEPING & REPORTS

16 TAC §41.25

The Texas Alcoholic Beverage Commission (TABC) adopts an amendment to rule 16 TAC §41.25, relating to Providing Retailer Samples: Distiller's and Rectifier's Permit. The amendment is adopted without changes to the proposed text as published in the December 1, 2023, issue of the *Texas Register* (48 TexReg 6987). The amended rule will not be republished.

REASONED JUSTIFICATION. The amendment is necessary to implement new legislation and provide clarity for impacted permittees. Senate Bill 1375 (88th Regular Session) authorized a distiller's and rectifier's permit holder to conduct samplings or tastings at certain temporary events. The amendment to §41.25 implements SB 1375 by acknowledging that a distiller's and rectifier's permit holder may conduct samplings or tastings consistent with SB 1375 and clarifies that samples of distilled spirits taken

from a distiller's inventory for such events qualify as a first sale for purposes of excise tax payments under Alcoholic Beverage Code §§201.02 and 201.03. A conforming change is also made to the rule's title.

SUMMARY OF COMMENTS. TABC received one comment from the Texas Distilled Spirits Association supporting the amendment to §41.25.

COMMENT: The commenter supports the proposed changes to §41.25 and states that they "believe that allowing Texas distillers to bring their own manufactured products from their inventory matches the legislative intent of SB 1375."

AGENCY RESPONSE: TABC appreciates the comment.

STATUTORY AUTHORITY. TABC adopts the amendment under §§5.31 and 14.09(g) of the Alcoholic Beverage Code. Section 5.31 provides that TABC may prescribe and publish rules necessary to carry out the provisions of the Alcoholic Beverage Code. Section 14.09(g) provides that TABC shall adopt rules to implement distilled spirits samplings or tastings at temporary events.

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

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Matthew Cherry

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CHAPTER 45. MARKETING PRACTICES SUBCHAPTER F. ADVERTISING AND PROMOTION

16 TAC §45.117

The Texas Alcoholic Beverage Commission (TABC) adopts an amendment to rule 16 TAC §45.117, relating to Gifts and Advertising Specialties. The amendment is adopted without changes to the proposed text as published in the December 1, 2023, issue of the *Texas Register* (48 TexReg 6988). The amended rules will not be republished.

REASONED JUSTIFICATION. The amendment to §45.117 allows TABC to increase or decrease the total amount of advertising specialties furnished to a retailer under §102.07(b) of the Alcoholic Beverage Code by order of the executive director instead of through formal rulemaking. The amendment does not change the total amount of advertising specialties currently allowed under law. Rather, it aligns the process for setting the amount with the process contemplated in §102.07(b), which specifically states that the executive director may change the amount not more than once a year. Under the amendment, any order issued by the executive director must be published in the *Texas Register* and on the agency's website.

SUMMARY OF COMMENTS. TABC did not receive any comments on the proposed amendment.

STATUTORY AUTHORITY. TABC adopts the amendment under §5.31 of the Texas Alcoholic Beverage Code. Section 5.31 provides that TABC may prescribe and publish rules necessary to carry out the provisions of the Texas Alcoholic Beverage 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.

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Matthew Cherry

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CHAPTER 50. ALCOHOLIC BEVERAGE SELLER SERVER AND DELIVERY DRIVER TRAINING SUBCHAPTER B. MANDATORY CURRICULUM AND COURSE OF INSTRUCTION

16 TAC §50.3

The Texas Alcoholic Beverage Commission (TABC) adopts an amendment to rule 16 TAC §50.3, relating to Mandatory Course Curriculum. The amendment is adopted without changes to the proposed text as published in the December 1, 2023, issue of the *Texas Register* (48 TexReg 6989). The amended rule will not be republished. TABC declines to adopt changes to 16 TAC §§50.4-50.6 and 50.29, relating to Alcoholic Beverage Seller Server and Delivery Driver Training, as proposed in the same issue of the *Texas Register*.

REASONED JUSTIFICATION. The amendment to §50.3(f) eliminates outdated references to the process TABC used to develop the original mandatory course curriculum for seller server training. The amendment also simplifies the process for updating the curriculum by allowing TABC's executive director or their designee to update the curriculum as needed and requires the agency to post notice of any such changes on its website and in the *Texas Register*.

SUMMARY OF COMMENTS. TABC did not receive any comments on the proposed amendment to §50.3. TABC did receive a comment from the Texas Restaurant Association opposing the proposed amendments to §§50.4 - 50.6 and 50.29, which increased the minimum minutes of active instruction and student participation in the seller server training course curriculum from 120 to 140 minutes to account for the inclusion of training on the signs and symptoms of an opioid-related drug overdose and the administration of an opioid antagonist. The opioid-related training is mandated for certain permittees and licensees under Senate Bill 998 (88th Regular Session).

COMMENT: The commenter opposes the inclusion of opioid-related training in the agency's seller server training and suggests that the proposed amendments to §§50.4 - 50.6 and 50.29 were

based on a filed version of SB 998, which did not exempt restaurants from the opioid-related training requirements, rather than the final version of the bill, which did contain such an exemption.

AGENCY RESPONSE: TABC disagrees with the commenter's suggestion that the proposed amendments to §§50.4 - 50.6 and 50.29 were not based on the final version of SB 998. TABC staff closely reviewed the passed version of SB 998 before drafting the proposed amendments. Nevertheless, TABC accepts the commenter's suggestion that opioid-related training not be included in the agency's seller server training. Instead, the opioid-related training will be offered as a standalone course. As such, TABC will not proceed with the adoption of the proposed amendments to §§50.4 - 50.6 and 50.29.

STATUTORY AUTHORITY. TABC adopts the amendment under §§5.31 and 106.14(b) of the Alcoholic Beverage Code. Section 5.31 provides that TABC may prescribe and publish rules necessary to carry out the provisions of the Alcoholic Beverage Code. Section 106.14(b) requires TABC to adopt rules or policies establishing the minimum requirements for approved seller training programs.

CERTIFICATION. The amendment, as adopted, has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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

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Matthew Cherry

Senior Counsel

Texas Alcoholic Beverage Commission

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TITLE 19. EDUCATION

PART 1. TEXAS HIGHER EDUCATION COORDINATING BOARD

CHAPTER 1. AGENCY ADMINISTRATION SUBCHAPTER K. FORMULA ADVISORY COMMITTEE - COMMUNITY AND TECHNICAL COLLEGES

19 TAC §§1.156 - 1.163

The Texas Higher Education Coordinating Board (Coordinating Board) adopts the repeal of Title 19, Part 1, Chapter 1, Subchapter K, §§1.156 - 1.163, Formula Advisory Committee - Community and Technical Colleges, without changes to the proposed text as published in the October 13, 2023, issue of the *Texas Register* (48 TexReg 5882). The rules will not be republished.

Rules 1.156 - 1.163 concern the establishment of the advisory committee, including the authority and purpose for the committee and its membership, duration, meetings, assigned tasks, and

other matters related to formula funding for the community and technical colleges sector.

The Coordinating Board repeals this subchapter to replace it with new language establishing the Standing Advisory Committee for Public Junior Colleges, in accordance with changes made by Tex. H.B. 8, 88th Leg., R.S. (2023). The Coordinating Board also intends to adopt new rules continuing the representation of technical colleges and state colleges in a different advisory committee and transferring the Report of Fundable Operating Expenses provision to a different chapter of Texas Administrative Code (TAC).

No comments were received regarding the adoption of the repeal.

The repeal is adopted under Texas Education Code, Section 61.059(b)-(b-1), which provides the Coordinating Board with the authority to establish advisory committees consisting of cross-institutional representatives to study and recommend changes in formula funding.

The adopted repeal affects Texas Education Code, Sections 61.059(b)-(b-1) and 130.001(b).

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

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Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

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For further information, please call: (512) 427-6548



SUBCHAPTER K. STANDING ADVISORY COMMITTEE: PUBLIC JUNIOR COLLEGES

19 TAC §§1.156 - 1.162

The Texas Higher Education Coordinating Board (Coordinating Board) adopts new rules in Title 19, Part 1, Chapter 1, Subchapter K, §§1.156 - 1.162, Standing Advisory Committee for Public Junior Colleges, without changes to the proposed text as published in the October 13, 2023, issue of the *Texas Register* (48 TexReg 5883). The rules will not be republished.

These new sections establish the Standing Advisory Committee for Public Junior Colleges, in accordance with statutory changes made by Tex. H.B. 8, 88th Leg., R.S. (2023).

Rule 1.156 establishes the statutory authority for the new standing advisory committee, which comes from Texas Education Code (TEC), §§130.001(b)(5) and 130A.005. It also states the purposes of the new standing advisory committee are to provide advice and counsel regarding the funding of public junior colleges, as required by H.B. 8, as well as regarding financial incentives to achieve the goals of the state's higher education plan, as described in TEC, §61.051. The committee may also perform other duties as assigned by the Board or Commissioner, in keeping with TEC, §61.026.

Rule 1.157 contains definitions for common terms used in this subchapter. These definitions parallel definitions used in the TEC and in other parts of the Texas Administrative Code and provide clarity to the reader by distinguishing between the governing board and the agency as a whole.

Rule 1.158 states the membership requirements of the new standing committee and appointment process. The membership requirements are designed to ensure the committee consists of members who have appropriate subject-matter knowledge and who can represent the interests of a broad cross-section of the public junior college sector. The rule caps the number of members on the advisory committee at 12, below the maximum number required by Texas Government Code, §2110.002.

Rule 1.159 states that the committee may continue until September 1, 2027, a four-year period consistent with requirements for the duration of advisory committees contained in Texas Government Code, §2110.008.

Rule 1.160 states that the committee shall meet at least once per quarter and that the presiding officer may call special meetings.

Rule 1.161 stipulates the tasks assigned to the committee, which include providing counsel to the Board and Commissioner on the administration of the public junior college finance program as enacted in TEC, Chapter 130A; studying and making recommendations for the modifications of formula funding or other components of the finance program; identifying funding incentives to accomplish the objectives in the state's strategic plan for higher education; and other charges as devised by the Board or Commissioner.

Rule 1.162 requires the committee to provide recommendations to the Commissioner on policies and rules pertaining to the Public Junior College Finance Program. The timing of these recommendations are based on a schedule determined by the Commissioner in order to inform recommendations to the Board.

No comments were received regarding the adoption of the new rules.

The new sections are adopted under Texas Education Code, Section 130.001(b), which provides the Coordinating Board with the authority to establish a standing advisory committee composed of representatives of public junior colleges to provide advice and counsel with respect to the funding of public junior colleges.

The adopted new sections affect Texas Education Code, §§61.026 and 130.001(b), and Texas Government Code, Chapter 2110.

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

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Nichole Bunker-Henderson

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SUBCHAPTER L. FORMULA ADVISORY COMMITTEE - GENERAL ACADEMIC INSTITUTIONS, TECHNICAL COLLEGES, AND STATE COLLEGES

19 TAC §§1.164 - 1.167

The Texas Higher Education Coordinating Board (Coordinating Board) adopts amendments to Title 19, Part 1, Chapter 1, Subchapter L, §§1.164 - 1.167, Formula Advisory Committee - General Academic Institutions without changes to the proposed text as published in the October 13, 2023, issue of the *Texas Register* (48 TexReg 5885). The rules will not be republished.

This amendment adds public technical colleges and public state colleges to the existing General Academic Institutions Formula Advisory Committee (GAIFAC), ensuring that those institutions will continue to have representation on formula advisory committees established under Texas Education Code (TEC), §61.059(b)-(b-1), following their removal from the committee for community colleges.

Rules 1.164 - 1.167 make conforming changes to the Texas Administrative Code reflecting the decision to include the technical colleges and state colleges in the existing GAIFAC. Rule 1.165 updates the definitions to more accurately reflect the terms used in Texas Education Code chapter 61 and these rules.

No comments were received regarding the adoption of the amendments.

The amendment is adopted under Texas Education Code, Section 61.059(b)-(b-1), which provides the Coordinating Board with the authority to establish advisory committees consisting of cross-institutional representatives to study and recommend changes in formula funding.

The adopted amendment affects Texas Education Code, Sections 61.059(b)-(b-1) and 130.001(b).

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

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CHAPTER 2. ACADEMIC AND WORKFORCE EDUCATION

SUBCHAPTER E. APPROVAL PROCESS FOR NEW BACCALAUREATE PROGRAMS AT PUBLIC JUNIOR COLLEGES

19 TAC §2.87

The Texas Higher Education Coordinating Board (Coordinating Board) adopts amendments to Texas Administrative Code, Title 19, Part 1, Chapter 2, Subchapter E, §2.87, concerning approval of baccalaureate degrees at public junior colleges, without changes to the proposed text as published in the October 13, 2023, issue of the *Texas Register* (48 TexReg 5887). The rule will not be republished.

Texas Education Code, §130.305, provides that a public junior college that offers a baccalaureate degree must meet all the accreditation requirements of the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC). The adopted amendment authorizes a public junior college that is authorized to offer a baccalaureate degree the ability to change accreditors if it has already been approved by the Southern Association of Colleges and Schools Commission on Colleges thereby demonstrating compliance with SACSCOC accreditation requirements. This amendment aligns with Texas Education Code, §61.051 and §61.003(13), which provides the Coordinating Board with authority to coordinate higher education and designate recognized accreditation organizations.

No comments were received regarding the adoption of the amendment.

The amendment is adopted under Texas Education Code, Sections 61.051 and 61.003(13) and 130.305, which provides the Coordinating Board with authority to coordinate higher education and designate recognized accreditation organizations.

The adopted amendment affects Texas Education Code, Sections 61.051 and 61.003(13), 130.305.

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

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Nicole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

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For further information, please call: (512) 427-6182



SUBCHAPTER J. APPROVAL OF DISTANCE EDUCATION FOR PUBLIC INSTITUTIONS

19 TAC §2.202

The Texas Higher Education Coordinating Board (Coordinating Board) adopts amendments to Title 19, Part 1, Chapter 2, Subchapter J, §2.202, Definitions, with changes to the proposed text as published in the October 13, 2023, issue of the *Texas Register* (48 TexReg 5887). The rule will be republished.

The adopted amendment corrects the definition of Hybrid Program to better align with the overall definition of Distance Education Degree or Certificate Program that went into effect May 18, 2023.

Rule 2.202, Definitions, provides the meanings of terms used in the subchapter, including definitions for 100-Percent Online

Course, Hybrid Course, 100-Percent Online Program, and Hybrid Program. These definitions were effective May 18, 2023, and brought Coordinating Board rules in closer alignment with standard practices in the industry.

No comments were received regarding the adoption of the amendments.

The amendment is adopted under Texas Education Code, Section 61.0512(g), which provides the Coordinating Board with the authority to approve distance learning courses offered by institutions of higher education.

The adopted amendment affects Texas Education Code §61.0512(g).

§2.202. *Definitions.*

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise. The definitions in 19 TAC, Chapter 2, Subchapter A, §2.3, apply for this subchapter unless a more specific definition for the same term is indicated in this rule.

(1) Credit course--A college-level course that, if successfully completed, can be applied toward the number of courses required for achieving an academic or workforce degree, diploma, certificate, or other formal award.

(2) Distance Education--The formal educational process that occurs when students and instructors are in separate physical locations for the majority (more than 50 percent) of instruction.

(3) Distance Education Course--A course in which a majority (more than 50 percent) of the instruction occurs when the student(s) and instructor(s) are in separate physical locations. The definition of distance education course does not include courses with 50 percent or less instruction when the student(s) and instructor(s) are in separate physical locations. Two categories of distance education courses are defined:

(A) 100-Percent Online Course--A distance education course in which 100 percent of instructional activity takes place when the student(s) and instructor(s) are in separate physical locations. Requirements for on-campus or in-person orientation, testing, academic support services, internships/fieldwork, or other non-instructional activities do not exclude a course from this category.

(B) Hybrid Course--A distance education course in which more than 50 percent but less than 100 percent of instructional activity takes place when the student(s) and instructor(s) are in separate physical locations.

(4) Distance Education Degree or Certificate Program--A program in which a student may complete a majority (more than 50 percent) of the credit hours required for the program through distance education courses. The definition of a Distance Education Degree or Certificate Program does not include programs in which 50 percent or less of the required credit hours are offered through distance education. Two categories of distance education programs are defined:

(A) 100-Percent Online Program--A degree program in which students complete 100 percent of the credit hours required for the program through 100-Percent Online Courses. Requirements for on-campus or in-person orientation, testing, academic support services, internships/fieldwork, or other non-instructional activities do not exclude a program from this category.

(B) Hybrid Program--A degree program in which students complete more than 50 percent but less than 100 percent of

the credit hours required for the program through Distance Education Courses.

(5) Institutional Accreditor--A federally recognized institutional accreditor approved by the Department of Education under 20 U.S.C. §1099b.

(6) Institutional Plan for Distance Education ("Plan" or "IPDE")--A plan that an institution must submit for Coordinating Board approval prior to offering a distance education program for the first time. Each institution shall periodically update its plan on a schedule as specified in §2.205 of this subchapter.

(7) Principles of Good Practice for Distance Education--Standards and criteria for distance education delivered by Texas public institutions. This document is reviewed and adopted by the Board every three years in accordance with §2.204 of this subchapter. This document is also known as "Principles of Good Practice for Academic Degree and Certificate Programs and Credit Courses Offered at a Distance."

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

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Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

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For further information, please call: (512) 427-6284



CHAPTER 4. RULES APPLYING TO ALL PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN TEXAS SUBCHAPTER A. GENERAL PROVISIONS

19 TAC §4.9

The Texas Higher Education Coordinating Board (Coordinating Board) adopts amendments to Title 19, Part 1, Chapter 4, Subchapter A, §4.9, Limitations on the Number of Courses that May be Dropped Under Certain Circumstances by Undergraduate Students, without changes to the proposed text as published in the October 13, 2023, issue of the *Texas Register* (48 TexReg 5889). The rules will not be republished.

This amendment excludes institutions from counting courses a student dropped while enrolled in a previously completed baccalaureate degree program or while enrolled in dual credit courses as a high school student.

No comments were received regarding the adoption of the amendment.

The amendment is adopted under Texas Education Code, Section 61.051, which provides the board with authority to coordinate higher education.

The adopted amendment affects Texas Education Code, Section 61.051.

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

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General Counsel

Texas Higher Education Coordinating Board

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For further information, please call: (512) 427-6182



SUBCHAPTER J. ACCREDITATION

19 TAC §4.191, §4.192

The Texas Higher Education Coordinating Board (Coordinating Board) adopts new rules in Texas Administrative Code, Title 19, Part 1, Chapter 4, Subchapter J, §4.191 and §4.192, concerning recognized institutional accreditor, §4.191 without changes and §4.192 with changes to the proposed text as published in the October 13, 2023, issue of the *Texas Register* (48 TexReg 5890). The changes to the proposed text include non-substantive changes including updating accreditor names to be more accurate and reordering the list of accreditors. Section 4.192 will be republished.

This new section identifies Coordinating Board recognized accrediting organizations. The Board selected the proposed accrediting agencies because these are the accrediting agencies that were the historic regional accreditors and those from which most Texas institutions of higher education would be likely to seek accreditation.

Subchapter J, Accreditation, aligns with Texas Education Code §61.051 and §61.003(13) which provides the Coordinating Board with authority to coordinate higher education and designate recognized accreditation organizations. The new language supports the US Department of Education's decision to allow regional accrediting organizations to accredit institutions anywhere in the country.

No comments were received regarding the adoption of the new sections.

The new sections are adopted under Texas Education Code, Sections 61.051 and 61.003(13) which provide the board with authority to coordinate higher education and designate recognized accreditation organizations.

The adopted new sections affect Texas Education Code Sections 61.051 and §61.003(13).

§4.192. *Recognized Accrediting Organizations.*

(a) The board recognizes institutions of higher education that offer an associate degree or higher, by one of the following organizations:

- (1) Accrediting Commission for Community and Junior Colleges (ACCJC);
- (2) Higher Learning Commission (HLC);
- (3) Middle States Commission on Higher Education (MSCHE);

(4) New England Commission of Higher Education (NECHE);

(5) Northwest Commission of Colleges and Universities (NWCCU);

(6) Southern Association of Colleges and Schools Commission on Colleges (SACSCOC); or

(7) Western Association of Schools and Colleges (WASC) Senior College and University Commission.

(b) This also includes any revisions to the names of these organizations moving forward.

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

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SUBCHAPTER P. APPROVAL OF DISTANCE EDUCATION COURSES AND PROGRAMS FOR PUBLIC INSTITUTIONS

19 TAC §§4.255 - 4.264

The Texas Higher Education Coordinating Board (Coordinating Board) adopts repeal of Title 19, Part 1, Chapter 4, Subchapter P, §§4.255 - 4.264, Approval of Distance Education Courses and Programs for Public Institutions, without changes to the proposed text as published in the October 13, 2023, issue of the *Texas Register* (48 TexReg 5891). The rule will not be republished.

The adopted repeal removes rules replaced by the new Title 19, Part 1, Chapter 2, Subchapter J, approved by the Coordinating Board at its April 2023 quarterly meeting.

No comments were received regarding the adoption of the repeal.

The repeal is adopted under Texas Education Code, Section 61.0512(g), which provides the Coordinating Board with the authority to approve distance learning courses offered by institutions of higher education.

The adopted repeal affects Texas Education Code, Section 61.0512(g).

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

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CHAPTER 5. RULES APPLYING TO PUBLIC UNIVERSITIES, HEALTH-RELATED INSTITUTIONS, AND/OR SELECTED PUBLIC COLLEGES OF HIGHER EDUCATION IN TEXAS

SUBCHAPTER B. ROLE AND MISSION, TABLES OF PROGRAMS, COURSE INVENTORIES

19 TAC §5.24

The Texas Higher Education Coordinating Board (Coordinating Board) adopts amendments to Title 19, Part 1, Chapter 5, Subchapter B, §5.24, Submission of Mission Statements and Planning Notification, without changes to the proposed text as published in the October 13, 2023, issue of the *Texas Register* (48 TexReg 5892). The rule will not be republished.

This amendment removes language related to submission of planning notifications for specific degree programs, as that language has been superseded by rules adopted by the Coordinating Board in October 2023.

Rule 5.24, Submission of Mission Statements and Planning Notification, sets out requirements for institutions to submit mission statements for their institutions and planning notifications for a certain subset of academic programs. This rule was replaced by 19 Texas Administrative Code Chapter 2, Subchapter C, adopted on Oct. 28, 2022, which sets out how institutions must submit planning notifications for proposed programs in line with Texas Education Code §61.0512(b). The adopted amendments repeal portions of existing rule that have been replaced by recent rule-making.

No comments were received regarding the adoption of the amendment.

The amendment is adopted under Texas Education Code, Section 61.0512(b), which provides the Coordinating Board with the authority to require institutions to submit notification prior to beginning preliminary planning for a new degree program.

The adopted amendment affects Texas Education Code §61.0512(b).

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

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SUBCHAPTER C. APPROVAL OF NEW ACADEMIC PROGRAMS AT PUBLIC UNIVERSITIES, HEALTH-RELATED INSTITUTIONS, AND REVIEW OF EXISTING DEGREE PROGRAMS

19 TAC §§5.41 - 5.46, 5.48, 5.50, 5.52 - 5.55

The Texas Higher Education Coordinating Board (Coordinating Board) adopts repeal of Title 19, Part 1, Chapter 5, Subchapter C, Approval of New Academic Programs at Public Universities, Health-Related Institutions, and Review of Existing Degree Programs, §§5.41 - 5.46, 5.48, 5.50, and 5.52 - 5.55 without changes to the proposed text as published in the October 13, 2023, issue of the *Texas Register* (48 TexReg 5893). The rules will not be republished.

Rules 5.41 - 5.46, 5.48, 5.50 and 5.54 concern the process for four-year institutions (general academic institutions and health-related institutions) to request approval for new academic programs, specifically new doctoral, master's, baccalaureate, and certificate programs. The Coordinating Board replaced these processes with rules contained in 19 Texas Administrative Code Chapter 2, Subchapter A, General Provisions; Subchapter B, Approval Process for a Certificate; Subchapter F, concerning approving new baccalaureate and master's degrees; and Subchapter G, concerning approving new doctoral and professional degree programs.

The new rule language brings Coordinating Board processes and procedures closer to the requirements of statute, contained in Texas Education Code, §61.0512, while also improving the navigability and readability of rules for institutions subject to these requirements. The proposed repeal will remove the old rules superseded by the new rule content.

No comments were received regarding the adoption of the repeal.

The repeal is adopted under Texas Education Code, Section 61.0512, which provides the Coordinating Board with the authority to approve new programs and conduct review of existing programs.

The adopted repeal affects Texas Education Code, Section 61.0512.

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

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CHAPTER 9. PROGRAM DEVELOPMENT IN PUBLIC TWO-YEAR COLLEGES

SUBCHAPTER B. GENERAL PROVISIONS

19 TAC §§9.28, §9.29

The Texas Higher Education Coordinating Board (Coordinating Board) adopts repeal of Title 19, Part 1, Chapter 9, Subchapter B, §9.28 and §9.29, Program Development in Public Two-Year Colleges, without changes to the proposed text as published in the October 13, 2023, issue of the *Texas Register* (48 TexReg 5894). The rules will not be republished.

The Coordinating Board repeals these rules to replace them with a new certification process as a result of changes in statute to certification made by Tex. H.B. 8, 88th Leg., R.S. (2023).

No comments were received regarding the adoption of the repeal.

The repeal is adopted under Texas Education Code, Section 61.063, which provides the Coordinating Board with the authority to certify what public junior colleges are eligible to receive state appropriations.

The adopted repeal affects Texas Education Code, Sections 61.063 and 130.003.

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

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SUBCHAPTER J. ACADEMIC ASSOCIATE DEGREE AND CERTIFICATE PROGRAMS

19 TAC §§9.181 - 9.186

The Texas Higher Education Coordinating Board (Coordinating Board) adopts the repeal of Texas Administrative Code, Title 19, Part 1, Chapter 9, Subchapter J, §§9.181 - 9.186, Academic Associate Degree and Certificate Programs, without changes to the proposed text as published in the October 13, 2023, issue of the *Texas Register* (48 TexReg 5895). The rules will not be republished.

Rules 9.181 - 9.186 concern the approval criteria and steps for implementation of new academic associate degree and certificate programs at two-year institutions (public junior colleges, Texas State Technical College-Harlingen, and Lamar State Colleges). The Coordinating Board replaced these processes with rules contained in 19 Texas Administrative Code Chapter 2, Subchapter A, General Provisions, Subch. B, Approval Process for Certificates, and Subch. D, Approval Process for New Associate Degrees.

The new rule language brings Coordinating Board processes and procedures closer to the requirements of statute, contained in Texas Education Code, §61.0512, while also improving the navigability and readability of rules for institutions subject to these requirements. The adopted repeal will remove the old rules superseded by the new rule content.

No comments were received regarding the adoption of the repeal.

The repeal is adopted under Texas Education Code, Section 61.0512, which provides the Coordinating Board with the authority to approve new programs, and Section 130.001, which requires the Coordinating Board to adopt policies and establish rules to carry out statutory duties with respect to public junior colleges.

The adopted repeal affects Texas Education Code, Sections 61.0512 and 130.001.

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

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SUBCHAPTER L. MULTIDISCIPLINARY STUDIES ASSOCIATE DEGREES

19 TAC §§9.550 - 9.555

The Texas Higher Education Coordinating Board (Coordinating Board) adopts the repeal of Texas Administrative Code, Title 19, Part 1, Chapter 9, Subchapter L, §§9.550 - 9.555, Multidisciplinary Studies Associate Degrees, without changes to the proposed text as published in the October 13, 2023, issue of the *Texas Register* (48 TexReg 5896). The rules will not be republished.

Rules 9.550 - 9.555 concern the requirements for multidisciplinary associate degrees at two-year institutions (public community colleges, Texas State Technical College-Harlingen, and Lamar State Colleges). The Coordinating Board replaced these requirements with rules contained in 19 Texas Administrative Code Chapter 2, Subchapter A, General Provisions and Subchapter D, Approval Process for New Associate Degrees. The new rule language better aligns with Texas Education Code,

§130.0104 and §61.0512, and improves the navigability and readability of rules for institutions subject to these requirements. The adopted repeal will remove the old rules superseded by the new rule content.

No comments were received regarding the adoption of the repeal.

The repeal is adopted under Texas Education Code, Section 61.0512, which provides the Coordinating Board with the authority to approve new programs and section 130.0104, which requires public junior colleges to establish the multidisciplinary studies associate degree.

The adopted repeal affects Texas Education Code, §§61.0512 and 130.0104.

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

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SUBCHAPTER N. BACCALAUREATE DEGREE PROGRAMS

19 TAC §§9.670 - 9.678

The Texas Higher Education Coordinating Board (Coordinating Board) adopts repeal of Title 19, Part 1, Chapter 9, Subchapter N, Baccalaureate Degree Programs, §§9.670 - 9.678 without changes to the proposed text as published in the October 13, 2023, issue of the *Texas Register* (48 TexReg 5896). The rules will not be republished.

This repeal removes language related to baccalaureate degree program approval and reporting requirements in existing rules, as that language has been superseded by rules adopted by the Coordinating Board in October 2022.

Rules 9.670 - 9.678 concern Coordinating Board approval and oversight of baccalaureate degrees at public junior colleges. In October 2022, the Coordinating Board adopted new rules relating to the oversight of this type of degree program located in 19 TAC Ch. 2, Subch. E. The new rules carry out the Coordinating Board's statutory obligations under Tex. Educ. Code §§61.0512, 130.302, and 130.312 in a single centralized location, organized to improve the readability of the Coordinating Board's administrative code. Because the old rules in Ch. 9 have been superseded by the new rules in Ch. 2, the Coordinating Board adopts repeal of the old rules.

No comments were received regarding the adoption of the repeal.

The repeal is adopted under Texas Education Code, §§61.0512(h)(2), 130.302, and 130.312, which provides the

Coordinating Board with the authority to administer and approve certain baccalaureate degree programs at public junior colleges.

The adopted repeal affects Texas Education Code, §§61.0512(h)(2), 130.302, and 130.312.

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

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CHAPTER 13. FINANCIAL PLANNING SUBCHAPTER A. DEFINITIONS

19 TAC §13.1

The Texas Higher Education Coordinating Board (Coordinating Board) adopts amendments to Title 19, Part 1, Chapter 13, Subchapter A, §13.1, Definitions, without changes to the proposed text as published in the October 13, 2023, issue of the *Texas Register* (48 TexReg 5897). The rules will not be republished.

This adopted amendment adds greater specificity and clarity to the definitions applying to finance-related rules. To implement H.B. 8, 88th Leg., R.S. (2023), which makes significant changes to the funding system for community colleges, the Coordinating Board has determined the need for greater precision in the terminology used for financial rules broadly.

Rule 13.1(4), (7), and (8) specifies three distinct entities: "Board," meaning the nine-member appointed governing body of the Texas Higher Education Coordinating Board; "Coordinating Board," meaning the state agency as a whole; and "Coordinating Board Staff or Board Staff," meaning the staff of the agency. Separating these terms improves the readability and precision of the rules contained in Chapter 13 and allows the Coordinating Board to make a distinction between actions taken by the governing body, agency staff, and the agency as a whole.

Rule 13.1(5) defines the census date, which is the deadline for institutions to submit data relating to students in attendance for the purposes of formula funding. This definition implements Texas Education Code, §§130A.006 and 130A.008, which requires the Coordinating Board to stipulate data reporting requirements in rule.

Rule 13.1(25) - (28) separates a single definition for public two-year colleges into three different component sectors: public junior colleges, public technical institutes, and public state colleges. Section 46, Tex. H.B. 8, 88th Leg., R.S. (2023) codifies a formula funding system for public community colleges distinct from the formula funding systems for public technical institutions and public state colleges implemented in the General Appropriations Act. The revised definitions allow for greater drafting clarity and align finance terms in Chapter 13 with Texas Education

Code, §61.003, and with institutional categories used by state appropriators.

No comments were received regarding the adoption of the amendment.

The amendment is adopted under Texas Education Code, Section 130A.005, allowing the Coordinating Board to adopt rules necessary to implement and administer the Public Junior College State Finance Program.

The adopted amendment affects Texas Education Code Section 61.003.

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

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SUBCHAPTER D. FINANCIAL REPORTING

19 TAC §13.62

The Texas Higher Education Coordinating Board (Coordinating Board) adopts repeal of Title 19, Part 1, Chapter 13, Subchapter D, §13.62, Community Colleges, without changes to the proposed text as published in the October 13, 2023, issue of the *Texas Register* (48 TexReg 5899). The rule will not be republished.

The Coordinating Board repeals this rule to replace it with a new consolidated community college data reporting rule in coordination with changes made by Tex. H.B. 8, 88th Leg., R.S. (2023).

Rule 13.62 concerns annual updates to the community college annual financial report manual and its content. Concurrent with other changes made to the Texas Administrative Code related to H.B. 8, 88th Leg., R.S. (2023), the provisions of this rule are being merged with others pertaining to financial reporting by community colleges in a different subchapter.

No comments were received regarding the adoption of the repeal.

The repeal is adopted under Texas Education Code, Section 61.065, that provides the Coordinating Board with the authority to prescribe uniform financial reporting guidelines.

The adopted repeal affects Texas Education Code, Section 61.065.

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

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19 TAC §13.63

The Texas Higher Education Coordinating Board (Coordinating Board) adopts amendments to Title 19, Part 1, Chapter 13, Subchapter D, §13.63, Additional Financial Reporting Information, without changes to the proposed text as published in the October 13, 2023, issue of the *Texas Register* (48 TexReg 5900). The rule will not be republished.

The Coordinating Board amends this rule to move community college-related provisions to a new consolidated community college data reporting rule in coordination with changes made by Tex. H.B. 8, 88th Leg., R.S. (2023).

No comments were received regarding the adoption of the amendment.

The amendment is adopted under Texas Education Code, Section 61.065, which provides the Coordinating Board with the authority to prescribe uniform financial reporting guidelines.

The adopted amendment affects Texas Education Code, §61.065.

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

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SUBCHAPTER F. FORMULA FUNDING AND TUITION CHARGES FOR REPEATED AND EXCESS HOURS OF UNDERGRADUATE STUDENTS

19 TAC §§13.101, 13.102, 13.104

The Texas Higher Education Coordinating Board (Coordinating Board) adopts amendments to Title 19, Part 1, Chapter 13, Subchapter F, §§13.101, 13.102, and 13.104, Formula Funding and Tuition Charges for Repeated and Excess Hours of Undergraduate Students, without changes to the proposed text as published in the October 13, 2023, issue of the *Texas Register* (48 TexReg 5900). The rules will not be republished.

The revisions implement statutory amendments passed by the 88th Legislature. Specifically, these amendments update Coordinating Board rules to accurately reflect two changes made by H.B. 8. House Bill 8 amended Texas Education Code §61.0595 to establish that hours earned by a student before receiving an associate degree do not count toward the limitation on the hours that may be reported for funding based on a student's current degree program (the "excess hours" rule). The amendments also update reference to the authority for the limitation on reporting hours related to a course taken by a student for the third time (the "three-peat" rule) to statute instead of a rider provision in the General Appropriations Act.

No comments were received regarding the adoption of the amendment.

The amendment is adopted under Texas Education Code, Sections 130A.005, 54.014, 61.059(r), and 61.0595 that provide the Coordinating Board with the authority to adopt rules pertaining to the reporting of hours for the purpose of formula funding.

The adopted amendment affects Texas Education Code, Section 54.014 and 61.059(r).

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

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SUBCHAPTER G. RESTRICTED RESEARCH EXPENDITURES

19 TAC §§13.120 - 13.127

The Texas Higher Education Coordinating Board (Coordinating Board) adopts the repeal of Title 19, Part 1, Chapter 13, Subchapter G, §§13.120 - 13.127, concerning Restricted Research Expenditures, without changes to the proposed text as published in the October 13, 2023, issue of the *Texas Register* (48 TexReg 5902). The rule will not be republished.

The Coordinating Board adopts the repeal of this subchapter in accordance with changes made by House Bill (HB) 1595, 88th Legislature, Regular Session. Voters approved Proposition 5, relating to research funds at general academic institutions, on November 7, 2023, which allowed the provisions of HB 1595 to take effect on January 1, 2024. The Coordinating Board convened a negotiated rulemaking committee comprised of higher education institutional representatives in accordance with Texas Education Code, Section 61.0331, on August 3, 2023, to develop the proposed rules.

Rules 13.120 - 13.122 establish the purpose, authority, and definitions related to restricted research. Rules 13.123 and 13.124 establish a restricted research committee to review restricted research awards and the applicable standards and accounting

methods for restricted research. Rules 13.125 and 13.126 establish reporting requirements of the institutions and the Coordinating Board related to restricted research awards and expenditures. Rule 13.127 provides for audits of research records reported by institutions.

Statute previously provided for the use of restricted research expenditures in the allocation of funding under the Comprehensive Research Fund and Core Research Support Fund and as an eligibility criterion for the National Research University Fund. Due to its use in state funding allocations, statute charged the Coordinating Board with setting standards and accounting methods for determining restricted research expenditures, providing for a committee process to verify reported awards, and auditing research records.

As part of the changes enacted under HB 1595, statute no longer includes restricted research expenditures as part of any state funding allocations. HB 1595 provides for the distribution of the Comprehensive Research Fund based on an institution's federal and private research expenditures. The legislation also provides for the redesignation of the Core Research Support Fund as the National Research Support Fund and provides for funding distributions based on an institution's federal and private research expenditures and awards of research doctorates.

Additionally, HB 1595 eliminated the National Research University Fund and recreates it as the Texas University Fund (TUF). The TUF provides for new eligibility criteria and uses federal and private research expenditures, rather than restricted research expenditures, as part of its eligibility criteria and allocation methodology.

No comments were received regarding the adoption of the repeal.

The repeal is adopted in accordance with changes made by Tex. H.B. 1595, 88th Leg., R.S. (2023), which eliminated the basis for restricted research standards and accounting and its subsequent use in the allocation of the Comprehensive Research Fund, Core Research Support Fund, and as an eligibility criterion for the National Research University Fund (which was eliminated and recreated as the Texas University Fund).

The adopted repeal affects Texas Education Code, Sections 62.095, 62.096, 62.134, 62.135(b), 62.145, and 62.146.

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

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SUBCHAPTER M. TOTAL RESEARCH EXPENDITURES

19 TAC §§13.300 - 13.305

The Texas Higher Education Coordinating Board (Coordinating Board) adopts amendments to Title 19, Part 1, Chapter 13, Subchapter M, §§13.300 - 13.304 and new §13.305, concerning Total Research Expenditures, with changes to §13.303 proposed text as published in the October 27, 2023, issue of the *Texas Register* (48 TexReg 6306). The rule will be republished. A formatting correction was made to insert a missing letter "(b)" in the ordering of §13.303, Standards and Accounting Methods for Determining Total Research Expenditures. Sections 13.300 - 13.302, 13.304, and 13.305 are adopted without changes and will not be republished.

The adopted amendments and new rule revise the reporting of total research expenditures to the Coordinating Board for use in state research funding allocations for the Comprehensive Research Fund, National Research Support Fund, and Texas University Fund (TUF), in accordance with changes made by House Bill (H.B.) 1595, 88th Texas Legislature, Regular Session. Voters approved Proposition 5, relating to research funds at general academic institutions, on November 7, 2023, which allowed the provisions of H.B. 1595 to take effect on January 1, 2024. The Coordinating Board convened a negotiated rulemaking committee comprised of higher education institutional representatives in accordance with Texas Education Code, Section 61.0331, on August 3, 2023, to develop the rules.

Rules 13.300 and 13.301 note the purpose and authority of the subchapter. Adopted revisions now prescribe the requirement of total research expenditures to be submitted by fund source and lay out the use of the data in the allocation of the Texas Comprehensive Research Fund, National Research Support Fund, Texas Research University Fund, Texas University Fund (TUF), and formula funding for research. The rule also establishes the portions of Texas Education Code (TEC) that authorize the Coordinating Board to adopt rules pertaining to the TUF.

Rule 13.302 lists definitions pertinent to research expenditure reporting. The revisions add paragraphs (1), (5), (8), (10), (12), and (23) to include fund sources by which institutions must report expenditures to the Coordinating Board. The fund sources align with the Higher Education Research and Development (HERD) Survey conducted by the National Center for Science and Engineering Statistics under the National Science Foundation. Paragraphs (24) and (25) provide a more granular breakout of funding sources for State and Local Government Expenditures to appropriately implement funding formulas for the health-related institutions.

Paragraph (15) establishes that private expenditures include expenditures of funds reported as Business Expenditures, Non-profit Organization Expenditures, and All Other Expenditures. This definition matches the definition under Texas Administrative Code, chapter 15, subchapter B, Texas University Fund for use in the allocation of certain state funding.

Paragraphs (9), (11), and (13) define certain sectors of Texas public institutions of higher education.

Paragraphs (4), (6), and (7) specify three distinct entities: "Board," meaning the nine-member appointed governing body of the Texas Higher Education Coordinating Board; "Coordinating Board," meaning the state agency as a whole; and "Coordinating Board Staff or Board Staff," meaning the staff of the agency. Separating these terms allows the Coordinating Board to make a distinction between actions taken by the governing body, agency staff, and the agency as a whole.

Revisions to paragraph (16) and the addition of paragraph (18) align definitions of research and development (R&D) with the HERD Survey. The revision of paragraph (19) clarifies what is included on the research expenditure survey and the addition of paragraph (22) adds clarity on what is considered a sponsored project.

The revision of §13.303 removes a provision made unnecessary due to the addition of §13.305 and clarifies that pass-throughs to other agencies of higher education also do not meet the narrow definition of R&D expenditures. Other revisions include clarification that total research expenditures may only include recovered indirect costs and clarification on the treatment of counting expenditures where the dollars expended are reported on an institution's annual financial report, but the actual work is conducted at a separate entity.

The revision of §13.304 clarifies that Coordinating Board staff will post the report of total research expenditures and the source of information for a legislatively required report.

The addition of §13.305 provides for the explicit direction of reporting total research expenditures to the Coordinating Board. The rule provides the breakout of fund source categories and requires a subset reporting of State of Texas Source Expenditures and State Contracts and Grants to accurately implement certain funding formulas for health-related institutions. The rule specifies that unrecovered indirect costs and pass-throughs to certain sectors of higher education do not meet the narrow definition of R&D expenditures. Pass-throughs to these sectors of higher education would result in the state including certain research expenditures in multiple funding formulas so separating these expenditures out in reporting allows the state to only include the research expenditure in funding formulas for the institution who received the pass-through funding.

No comments were received regarding the adoption of the amendments and new rule.

The amendment and new rule are adopted in accordance with changes made by H.B. 1595, 88th Texas Legislature, Regular Session (2023), which requires the collection of federal and private research expenditures for use in the allocation of the Comprehensive Research Fund and as part of the eligibility criteria and distribution methodology for the National Research Support Fund and Texas University Fund.

The adopted amendment and new rule affects Texas Education Code Sections 62.095, 62.132, 62.1335, 62.134, 62.145, 62.1481, 62.1482, and 62.151.

§13.303. Standards and Accounting Methods for Determining Total Research Expenditures.

(a) R&D expenditures for Texas A&M University include consolidated expenses from Texas A&M University and its service agencies.

(b) Research expenses from the AFR shall be reconciled to the total R&D expenditures of the Research Expenditure Survey by a:

(1) Decrease of the AFR total by the amount of R&D expenses that do not meet the narrow definition of R&D expenditures used in the Coordinating Board's Research Expenditure Survey. Pass-throughs to other general academic teaching institutions, medical or dental units, and other agencies of higher education do not meet the narrow definition of R&D expenditures.

(2) Increase of the AFR total by the amount of recovered indirect costs associated with expenses for R&D as reported through the Research Expenditure Survey.

(3) Increase of the AFR total by the amount of capital outlay for research equipment, not including R&D plant expenses or construction.

(4) Increase of the AFR total by the amount of expenditures for conduct of R&D made by an institution's research foundation, or 501(c) corporation on behalf of the institution, and not reported in the institution's AFR, including indirect costs.

(5) Increase of the AFR total to include expenses related to research performed by the agency or institution but recognized on the AFR of a separate agency or institution who received and expended the funding. The agency or institution who received and expended the funding but did not perform the research must make a corresponding decrease of its AFR total for this amount. This accounting event is not a pass-through to subrecipient.

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

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General Counsel

Texas Higher Education Coordinating Board

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SUBCHAPTER P. COMMUNITY COLLEGE FINANCE PROGRAM FOR FISCAL YEAR 2024

19 TAC §§13.470 - 13.477

The Texas Higher Education Coordinating Board (Coordinating Board) adopts new rules in Title 19, Part 1, Chapter 13, Subchapter P, §§13.470 - 13.477, Community College Finance Program for Fiscal Year 2024, with changes to the subchapter title, §13.470, and §13.474 proposed text as published in the October 13, 2023, issue of the *Texas Register* (48 TexReg 5903). The rules will be republished. The title of the subchapter has been amended with the addition of "for Fiscal Year 2024" and §13.470 has been amended, both of which clarify that the rules apply only to fiscal year 2024. Sections 13.471 - 13.473 and 13.475 - 13.477 are adopted without changes and will not be republished. The Coordinating Board intends to adopt new rules implementing the new community college finance system without reference to specific fiscal years, whereas the adopted rules make such references and can therefore be applied only to fiscal year 2024.

Rule 13.470, Purpose and Effective Date, establishes the purpose of subchapter P to govern the implementation of the community college finance system.

Rule 13.471, Authority, establishes the portions of Texas Education Code (TEC) that authorize the Coordinating Board to adopt rules pertaining to community college finance.

Rule 13.472, Definitions, lists definitions pertinent to the community college finance system.

Paragraphs (1), (2), and (13) define student weights as required by Sections 130A.054 and 130A.101 of H.B. 8 for use in the calculation of the base and performance tier. Economic disadvantage is based on the student's receipt of federal Pell grant funding due to that program's need-based design, which includes rigorous documentation of student needs and family resources, and academic disadvantage is based on the student's determination of college readiness, as measured through the Texas Success Initiative assessments. Adult learners are defined as students aged 25 years or older, in accordance with H.B. 8 requirements.

Paragraphs (7) - (9), (15), (21), and (26) provide definitions for terms (base year, basic allotment, census date, full-time student equivalent (FTSE), local share, weighted FTSE used in the calculation of the base tier, defined in paragraph (6), which measures a college's instruction and operations (I&O) needs based on their weighted FTSEs and the number of contact hours they delivered in the most recent academic terms (the "base year").

Paragraph (27) defines weighted outcome completions as the count of designated student outcomes that have been weighted by student characteristics. This provides the basis for the allocation of funding under the performance tier, which is further refined by the below definition paragraphs.

Paragraphs (3) - (5), (11), (18) - (20), and (23) provide definitions of credential types, or associated requirements, that may be eligible for purposes of performance tier funding. The definitions tie to paragraph (16), fundable credentials, which further refines what credential types, including associate, baccalaureate degrees, certain certificates, Occupational Skills Awards (OSAs), and Institutional Credential Leading to Licensure or Certification (ICLC) may receive funding. In alignment with H.B. 8, all fundable credentials will meet the definition of credential of value. The determination of "credential of value" for ICLCs is refined to provide semester credit hour (SCH) thresholds for the credential as these are new credential types collected from the community colleges and providing thresholds ensures the Coordinating Board is prioritizing credentials that are producing graduates who meet the state's workforce needs. The determination of "credential of value" for OSAs is aligned to the definition of OSA, which includes requirements that the credential meet workforce needs.

Paragraph (10) defines a credential of value as credentials that will provide a positive return-on-investment within 10 years (on average), such that cumulative earnings exceed initial investment, for baccalaureate, associate, and certificate degree programs. This definition is aligned with and implements the Coordinating Board's long range master plan for higher education by using data to determine whether a student is better off after earning the credential, inclusive of their costs of attendance, than a comparable student who earned only a high school diploma. The purpose is to incentivize institutions to strongly consider workforce needs and student's long term economic and social success in making decisions regarding program offerings, student services, and other key areas.

Paragraph (17) defines high demand fields in alignment with the recommendations of the last Community and Technical College Formula Advisory Committee. This list derives from an analysis of state and regional workforce trends based on higher education regions in the state. This list includes fields associated with an occupation on 7 of 10 regional lists of the top 25 occupations by

projected 10-year growth and the fields associated with every region's top 5 occupations by projected 10-year growth. The list also includes any field previously funded as a "critical field" by the legislature in the fiscal year 2022-23 success point formula to help transition community colleges to the new methodology.

Paragraph (12) defines eligibility for a dual credit or dual enrollment fundable outcome to receive funding through the performance tier. The definition provides that all statutorily fundable SCHs of dual credit or dual enrollment may count towards the achievement of 15 SCHs applicable to an academic or workforce requirement at the postsecondary level. Aligning with statutory funding eligibility requirements increases the likelihood that these courses will result in meaningful progress towards postsecondary credentials while encouraging community colleges to transition to a system in which dual credit/enrollment students take a structured sequence of courses that enhances timely progress towards an academic or workforce credential. The Coordinating Board anticipates that this definition will be further refined as additional data become available in future years.

Paragraphs (24) and (25) define eligibility for a student's achievement of a structured co-enrollment or transfer fundable outcome. These outcomes may receive funding through the performance tier and the definitions align with the requirements in Section 130A.101, as added by H.B. 8.

Paragraphs (14) and (22) define formula and non-formula support, respectively, based on the method of determining the funding provided to the community college.

Rule 13.473, Base Tier Allotment, establishes the calculations used to determine Base Tier funding that the legislature entitled community colleges to receive under TEC, Sections 130A.051 - 130A.056. To summarize, Base Tier funding is calculated as Instruction and Operations (I&O) minus Local Share. If Local Share is greater than Instruction and Operations, then Base Tier funding is zero.

Specifically, Rule 13.473(b) establishes the Instruction and Operations funding amount, corresponding to TEC, Section 130A.052, as Contact Hour Funding plus the product of the Weighted Full Time Student Equivalents (Weighted FTSE) multiplied by Basic Allotment. The rule explicitly defines the calculations used to derive Full Time Student Equivalents based on contact hour and SCHs reported to the Coordinating Board by community college districts. Hours reported are weighted by student characteristics as instructed by TEC, Section 130A.054, at levels based on the higher cost of educating students with certain characteristics (e.g., adult learners are weighted the highest due to the higher cost of educating the student). In accordance with TEC, Section 130A.055, the rule defines Contact Hour Funding as the Institution's reported base year contact hours, weighted by the average cost to provide each contact hour in each discipline as defined in the Report of Fundable Operating Expenses. The Basic Allotment amount and contact hour funding amount are derived based on the Fiscal Year 2024 appropriations for the Base Tier as provided by the General Appropriations Act for the 2024-25 Biennium, in accordance with TEC, Sections 130A.053 and 130A.055.

Rule 13.473(c) establishes Local Share as the amount of maintenance and operations ad valorem tax revenue generated by \$0.05 per \$100 of taxable property value in a college's taxing district plus the amount of tuition and fee revenue that would be generated by charging the average amount of tuition and

fees charged by community colleges districts in the state of Texas to each in-district FTSE, in accordance with TEC, Section 130A.056. Specifically, the Coordinating Board will calculate estimated tax revenue for each district as the actual amount of current tax revenue collected in Fiscal Year 2022 multiplied by the ratio of the maintenance and operations tax rate to the total tax rate, divided by the product of the maintenance and operations tax rate and 100 and multiplied by five. This estimation takes into account that not all property taxes owed are able to be collected by the institutions due to delinquent or late collections over which the institutions have no control. The Coordinating Board will estimate tuition and fee revenue by summing 1) the average of tuition and fees charged by community colleges to in-district students in fiscal year 2021, as reported by the federal Integrated Postsecondary Education Data System, multiplied by non-dual credit or dual enrollment FTSEs In FY22 and 2) the amount of tuition set per SCH for the Financial Aid for Swift Transfer (FAST) program, multiplied by dual credit or dual enrollment SCHs in FY22. Using the average tuition and fee rate specific to in-district students avoids unduly penalizing colleges that have above-average percentages of in-district students and/or that provide substantial discounts to their in-district students. Using the two different tuition rates, depending on the type of student, provides further equity in the method of estimating tuition and fee revenue across the community college districts by avoiding an undue penalty on colleges participating in the FAST program and those with higher percentages of dual credit or dual enrollment students, regardless of their participation in FAST.

Rule 13.474, Performance Tier Funding, establishes the calculations used to determine Performance Tier Funding, which the Legislature entitled community colleges to receive under TEC, Section 130A.101. The rule lists those outcomes that merit performance funding and the student characteristics that garner added funding at levels in alignment with those set for the base tier funding pursuant to TEC, Section 130A.001.

The rule establishes values for the fundable outcomes, which are derived based on appropriations made in the 2024-25 General Appropriations Act for the Performance Tier strategy.

Funding is set \$3,500 per outcome for transfer and structured co-enrollment fundable outcomes, certificates awarded in a high-demand field, and associate or baccalaureate degrees not in a high-demand field. The equal funding rate across these outcomes reflects the great benefit they confer to students and to the state as well as the importance of institutions' ability to impartially guide and assist students in pursuing different forms of valuable success.

Completion of dual credit or dual enrollment fundable outcomes are set at a lower amount, \$1,700, due to the additional funding institutions will receive via participation in the FAST program; the fact that these outcomes do not involve conferral of a credential or enrollment in a baccalaureate program; and the tendency of these courses to be lower-division academic courses with below-average cost of delivery.

Across all credentials, high-demand fields receive higher funding rates to incentivize institutions to develop and grow programs in areas more closely aligned with the current and future workforce needs of the state.

Rule 13.475, Formula Transition Funding, establishes that after calculating the base tier and performance tier funding for each community college, the Coordinating Board shall ensure that a

community college district does not receive less in formula funding in FY 2024 than it received in FY 2023 appropriations for formula funding (contact hours, success points, core operations, and bachelor's of applied technology funding) and need based supplements. The Coordinating Board judges this provision to be necessary to smooth the transition from the prior system of formula funding predominantly based on contact hour generation to the new system of performance-based funding. Including this provision ensures that no institution will experience as significant detrimental impact on its operations as the new system adjusts funding and moves to outcome-driven performance.

Rule 13.476, Payment Schedule, sets out both the payment schedule for non-formula support items and the payment schedule (three times per year) at which the Coordinating Board will make formula funding payments to each institution as authorized by TEC, Section 130.0031, as amended by Tex. H.B. 8, 88th Leg., R.S. (2023). The Coordinating Board shall pay all non-formula support item amounts to the institution by September 25th of a fiscal year, in accordance with the requirements in the 2024-25 General Appropriations Act (Article IX, Section 18.04 Contingency for House Bill 8(a)(4)). For FY24, the first payment is 50% of the total formula funding entitlement, 25% for the second payment and the final payment. Institutional stakeholders suggested that the Coordinating Board should make the first payment 50% in recognition that a college district's expenses are weighted towards the start of the fiscal year and to smooth the transition from the prior payment schedule that historically provided 48% of funding to a community college district by October 25.

Rule 13.477, Close Out, establishes the final process the Coordinating Board shall undertake to finalize the prior fiscal year's formula funding for community colleges. The Coordinating Board shall review and verify distributions made to the community colleges in the prior fiscal year and, if necessary, adjust a community colleges first payment of the next fiscal year to correct funding, as needed, in accordance with TEC, Section 130A.009. TEC, Section 130.0031, authorizes the Coordinating Board to make adjustments to the installment payments within the fiscal year to ensure the Coordinating Board delivers the correct funding to each institution. The Close Out process caps the final adjustment to payments that occur based on the outcomes, certified reported data, and funding made to each institution to the fiscal year. Subsequent to Close Out, the Coordinating Board will use the adjustment and overallocation process under Texas Administrative Code, subchapter R, of this chapter to make any further adjustments to funding that was owed for a Closed Out fiscal year. Specification of this process by rule ensures that each institution has notice of the Coordinating Board's determination that funding has been fully delivered for that year.

This new section implements the new community college finance system established by Tex. H.B. 8, 88th Leg., R.S. (2023).

No comments were received regarding the adoption of the new rules.

The new sections are adopted under Texas Education Code, Section 130A.005, which provides the Coordinating Board with the authority to adopt rules and take other actions consistent with Texas Education Code, Chapter 61, Chapter 130, and Chapter 130A to implement Tex. H.B. 8, 88th Leg., R.S. (2023). In addition, Texas Education Code, Section 130.355, permits the Coordinating Board to establish rules for funding workforce continuing education.

The adopted new sections affect Texas Education Code, Sections 28.0295, 61.003, 61.059, 130.003, 130.0031, 130.0034, 130.008, 130.085, 130.310, 130.352 and Chapter 130A.

§13.470. Purpose and Effective Date.

(a) The purpose of this subchapter is to implement the Community College Finance Program authorized by Texas Education Code, Chapters 61, 130, and 130A.

(b) Effective Date of Rules. The rules in this subchapter apply to funding for fiscal year 2024 only and will expire on August 31, 2024.

§13.474. Performance Tier Funding.

(a) Each public junior college district shall receive Performance Tier funding under Texas Education Code, Chapter 130A, Subchapter C. The Coordinating Board shall calculate a district's Performance Tier funding as the sum of Weighted Outcome Completions multiplied by the respective funded values of the outcomes.

(b) For the purposes of calculating formula funding amounts for Fiscal Year (FY) 2024, the Coordinating Board shall fund the Weighted Outcome Completions described below as follows:
Figure: 19 TAC §13.474(b)

(c) For the purposes of calculating formula funding amounts for FY 2024, the Coordinating Board shall additively weight the calculation of outcomes of items (2), (3)(D), (E), and (F) in Figure: 19 TAC §13.474(b) of this section, as follows to calculate Weighted Outcome Completions.

(1) When an outcome is achieved by a student classified as economically disadvantaged, that outcome shall have an additional value of 25%.

(A) For purposes of calculating economically disadvantaged for transfer and credential fundable outcomes, the student must be classified as economically disadvantaged at any point during the fiscal year in which the outcome was achieved or the four fiscal years prior at the institution in which the outcome was achieved.

(B) For purposes of calculating economically disadvantaged for Structured Co-Enrollment Fundable Outcome, the student must be classified as economically disadvantaged in the initial semester of enrollment in the Structured Co-Enrollment Program at either the community college or general academic institution.

(2) When an outcome is achieved by a student classified as academically disadvantaged, that outcome shall have an additional value of 25%.

(A) For purposes of calculating academically disadvantaged for transfer and credential fundable outcomes, the student must be classified as academically disadvantaged at any point during the fiscal year in which the outcome was achieved or the four fiscal years prior at the institution in which the outcome was achieved.

(B) For purposes of calculating academically disadvantaged for Structured Co-Enrollment Fundable Outcome, the student must be classified as academically disadvantaged in the initial semester of enrollment in the Structured Co-Enrollment Program at the institution in which the outcome was achieved.

(3) When an outcome is achieved by a student classified as an Adult Learner, that outcome shall have an additional value of 50%.

(A) For purposes of calculating an Adult Learner for a transfer fundable outcome, the student must be classified as an Adult Learner in the year of last enrollment at the community college district prior to the transfer to a general academic institution.

(B) For purposes of calculating an Adult Learner for a fundable credential, the student must be classified as an Adult Learner in the fiscal year in which the fundable credential was awarded.

(C) For purposes of calculating an Adult Learner for Structured Co-Enrollment Fundable Outcome, the student must be classified as an Adult Learner in the initial semester of enrollment in the Structured Co-Enrollment Program at the institution in which the outcome was achieved.

(d) For the purposes of calculating Weighted Outcome Completions for formula funding amounts for FY 2024, the Coordinating Board shall calculate the funded number of Weighted Outcome Completions as the greater of the average of the district's Weighted Outcome Completion counts for FY 2020, FY 2021, and FY 2022 and the district's count for FY 2022.

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

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For further information, please call: (512) 427-6548



SUBCHAPTER Q. FINANCIAL AID FOR SWIFT TRANSFER (FAST) PROGRAM

19 TAC §§13.500 - 13.506

The Texas Higher Education Coordinating Board (Coordinating Board) adopts new rules in Texas Administrative Code, Title 19, Part 1, Chapter 13, Subchapter Q, §§13.500 - 13.506, concerning Financial Aid for Swift Transfer (FAST) Program, with changes to §13.501 and §13.503 proposed text as published in the October 13, 2023, issue of the *Texas Register* (48 TexReg 5910). The rules will be republished. Sections 13.500, 13.502, 13.504 - 13.506 are adopted without changes and will not be republished.

Specifically, these new sections outline the authority and purpose, definitions, institutional eligibility requirements, student eligibility requirements, tuition rate, funding formula, and the handling of overallocations, which are necessary to administer the FAST Program.

Rule 13.500 indicates the specific sections of the Texas Education Code (TEC) that provide the Coordinating Board with authority to issue these rules, as well as the purpose of the FAST Program.

Rule 13.501 provides definitions for words and terms within FAST rules. The definitions are adopted to provide clarity for words and terms that are integral to the understanding and administration of the FAST rules. The republished rule adds the definition of "career and technical education course" and revises the definition of "dual credit course" to provide greater clarity that the FAST program includes dual credit offered through

either academic courses or career and technical education courses. The republished rule also adds definitions for "credit" and "semester credit hour" and revises the definition of "equivalent of a semester credit hour" to provide greater clarity to the process for converting continuing education enrollment to semester credit hours. This section is adopted based on TEC, Section 28.0095(j), which directs the Coordinating Board to adopt rules as necessary to implement the FAST Program.

Rule 13.502 outlines the requirements that institutions must fulfill to participate in the FAST Program. The requirements are adopted to: (a) gather in one place both statutory requirements, such as the requirement that an institution must meet the definition of institution of higher education outlined in TEC, Section 61.003, and rule requirements implementing the FAST Program; (b) clarify aspects of the statutory requirements, such as the institution's responsibility to provide dual credit coursework at no cost to eligible students attending high school in Texas school districts or charter schools; and (c) provide rules specific to requirements the Coordinating Board is proposing to ensure effective administration of the FAST Program, such as the requirement that each participating institution enter into an agreement with the Coordinating Board. This section is adopted based on TEC, Section 28.0095(j), which directs the Board to adopt rules as necessary to implement the FAST Program.

Rule 13.503 outlines the eligibility requirements that students must meet to allow an institution to enroll the student in dual credit coursework at no cost to the student under the FAST Program. The requirements are adopted to: (a) gather in one place the statutory requirements for the FAST Program, including the requirements related to a student's enrollment and their prior status as educationally disadvantaged; (b) clarify aspects of the statutory requirements, such as the student needing to be enrolled in and eligible for Foundation School Program funding at a high school in a Texas school district or charter school; (c) provide rules to clarify eligible dual credit enrollment, which requires that participating institutions must have entered into a Dual Credit Agreement with the student's school district; (d) provide rules specific to requirements the Coordinating Board is proposing to ensure effective administration of the FAST Program, such as the requirement that school districts and charter schools will fulfill their reporting requirements for the educationally disadvantaged status through notice to the Texas Education Agency; and (e) request reporting from institutions necessary to identify students as "educationally disadvantaged" from data provided by Texas Education Agency (TEA). The republished rule adds the word "mandatory" as a clarifying descriptor regarding other course-related expenses. This is done to better delineate between the costs specifically related to taking the course and other costs a student might incur based on their own actions (e.g., fines, penalties, etc.). This section is adopted based on TEC, Section 28.0095(j), which directs the Coordinating Board to adopt rules as necessary to implement the FAST Program.

Rule 13.504 sets the FAST maximum tuition rate for the 2023-2024 academic year and is based on a review of average dual credit tuition rates, to allow for the FAST Program to begin in the fall 2023 semester. The adopted rule provides how an annual inflationary adjustment to the tuition rate will be calculated, the timeline in which the annual rate will be determined and announced to institutions of higher education and when the announced rate goes into effect. TEC, Section 28.0095(d), directs the Coordinating Board to prescribe the maximum tuition rate for the FAST Program in rule.

Rule 13.505 establishes the mechanisms by which the Coordinating Board will disburse funding to each participating institution to support their participation in the FAST Program, as well as the institutions' participation in the process. The adopted rule provides the frequency of disbursements to each institution; the way the disbursement amount will be calculated for each institution; the data that will be used to complete the calculation; the way institutions will have the opportunity to review the calculation for accuracy; and the true-up process, which confirms a student's attendance in high school during the dual credit course enrollment and requires reductions to future disbursements of FAST funding once an amount is calculated. This section is adopted based on TEC, Section 28.0095(j), which directs the Coordinating Board to adopt rules as necessary to implement the FAST Program.

Rule 13.506 references the overallocation rules for the FAST Program. The rule acknowledges that the program is one aspect of the larger effort to provide funding to support institutions in their work to successfully educate students and is thus subject to the overallocation rules outlined in Texas Administrative Code, Title 19, Part 1, Chapter 13, Subchapter R. This section is adopted based on TEC, Section 28.0095(j), which directs the Coordinating Board to adopt rules as necessary to implement the FAST Program.

The following comments were received regarding the adoption of the new rules.

Comment: Lee College commented on the Coordinating Board's interpretation of "eligible students [being able] to enroll at no cost" (Texas Education Code §28.0095(b)), indicating that the legislation focuses on the "cost to enroll," which they view as clearly defined because the funding formula for the last several decades was enrollment based. The institution indicates that the cost to enroll includes the cost of placement testing, vaccinations, tuition and fees. In accordance with CBM reporting requirements, students who pay those costs are counted as being enrolled, and those who do not are not counted. The proposed rules, however, include the cost of books, supplies, and other course-related expenses that are not related to enrollment and are part of the cost of attendance or course completion. While the institution appreciates the desire to remove barriers for educationally disadvantaged students, they view the proposed rules as exceeding the scope of the legislation. The rules should be revised so that they accurately reflect the legislation and are limited to the costs that are required to enroll as specified in HB8 and the CBM Reporting Manual.

Response: The Coordinating Board appreciates this comment, but respectfully disagrees. The statute provides that a student who is educationally disadvantaged must be permitted to take a dual credit course at no cost to the student at an institution that elects to participate in the FAST program. While the Coordinating Board appreciates the institution's comment that cost to enroll should exclude books, supplies, or other costs that may be necessary for a high school student to successfully enroll in and complete a dual credit course, the Board respectfully disagrees that this interpretation exceeds the authority of the FAST program.

Education Code chapter 28 does not define "cost to enroll." Reading the statute to permit an educationally disadvantaged high school student to enroll in, but be unable to successfully complete, a dual credit course at no cost to the student would undermine the policy of the FAST program. Interpreting the

statute to require an institution to permit a high student to enroll and earn credit in a course without incurring any cost as necessary to earn course credit does not conflict with the text of Education Code §28.0095 and harmonizes all provisions of the dual credit and FAST programs to ensure that each educationally disadvantaged high school student has the opportunity to attempt and earn credit in college-level course work.

An institution of higher education may elect whether to participate in the FAST program. The Coordinating Board rules, chapter 4, subchapter D, requires an institution of higher education and a school district to establish agreements governing payment for dual credit course, which includes how costs related to participation in the FAST program are apportioned. While the Coordinating Board disagrees that the rule exceeds the authority of the applicable statutes, the Board looks forward to continued partnership with institutions to ensure clarity in the rules governing participation in the FAST program.

Comment: Lee College commented that the proposed rules do not cover incarcerated students in Windham ISD and recommended revising the rules to include those students.

Response: The Coordinating Board agrees with the institution that students from Windham ISD are excluded from eligibility in the program. Texas Education Code (TEC), Section 19.004, provides that no school district-specific TEC provisions outside of Chapter 19 apply to Windham unless specifically indicated in Chapter 19 or in statutes outside of the chapter. Windham ISD is not mentioned in TEC Section 28.0095, so students at Windham ISD would not be eligible for the FAST program. As such, no change is being made in response to this comment.

The new section is adopted under Texas Education Code, Section 28.0095, which provides the Coordinating Board with the authority to adopt rules as necessary to implement the FAST Program.

The adopted new section affects Texas Education Code, Sections 28.0095 and 48.308.

§13.501. Definitions.

In addition to the words and terms defined in §13.1 of this chapter (relating to Definitions) the following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise. In the event of conflict, the definitions in this subchapter shall control.

(1) Career and Technical Education Course--A workforce or continuing education college course offered by an institution of higher education for which a student may earn credit toward satisfaction of a requirement necessary to obtain an industry-recognized credential, certificate, or associate degree.

(A) A career and technical education course is listed in the Workforce Education Course Manual (WECM).

(B) For the purpose of this subchapter, this definition excludes:

(i) an avocational course;

(ii) a continuing education course that is ineligible for conversion as articulated college credit; and

(iii) a continuing education course that does not meet the institution's program or instructor accreditation standards.

(2) Charter School--A public charter school authorized to operate under Texas Education Code, Chapter 12.

(3) Credit--College credit earned through the successful completion of a college career and technical education or academic course that fulfills specific requirements necessary to obtain an industry-recognized credential, certificate, associate degree, or other academic degree.

(4) Dual Credit Course--A course that meets the following requirements:

(A) The course is offered pursuant to an agreement under §4.84 of this subchapter (relating to Institutional Agreements).

(B) A course for which the student may earn one or more of the following types of credit:

(i) joint high school and junior college credit under Texas Education Code, §130.008, or

(ii) another course offered by an institution of higher education, for which a high school student may earn semester credit hours or equivalent of semester credit hours toward satisfaction of:

(I) a course defined in paragraph (1) of this section that satisfies a requirement necessary to obtain an industry-recognized credential, certificate, or an associate degree;

(II) a foreign language requirement at an institution of higher education;

(III) a requirement in the core curriculum, as that term is defined by Texas Education Code, §61.821, at an institution of higher education; or

(IV) a requirement in a field of study curriculum developed by the Coordinating Board under Texas Education Code, §61.823.

(5) Educationally disadvantaged--As defined in Texas Education Code, §5.001(4), eligible to participate in the national free or reduced-price lunch program.

(6) Equivalent of a semester credit hour--A unit of measurement for a continuing education course, determined as a ratio of one continuing education unit to 10 contact hours of instruction, which may be expressed as a decimal. 1.6 continuing education units of instruction equals one semester credit hour of instruction. In a continuing education course, not fewer than 16 contact hours are equivalent to one semester credit hour.

(7) Program--The Financial Aid for Swift Transfer (FAST) Program.

(8) School Year--The twelve month-period of high school enrollment starting in August.

(9) Semester Credit Hour--A unit of measure of instruction, represented in intended learning outcomes and verified by evidence of student achievement, that reasonably approximates one hour of classroom instruction or direct faculty instruction and a minimum of two hours out of class student work for each week over a 15-week period in a semester system or the equivalent amount of work over a different amount of time. An institution is responsible for determining the appropriate number of semester credit hours awarded for its programs in accordance with Federal definitions, requirements of the institution's accreditor, and commonly accepted practices in higher education.

§13.503. *Eligible Students.*

(a) A student is eligible to enroll at no cost to the student in a dual credit course under the program if the student:

(1) is enrolled in and eligible for Foundation School Program funding at a high school in a Texas school district or charter school under the rules of the Texas Education Agency;

(2) is enrolled in a dual credit course at a participating institution of higher education that has entered into a Dual Credit Agreement with the student's school district as set out in §4.84 of this title (relating to Institutional Agreements); and

(3) was educationally disadvantaged at any time during the four school years preceding the student's enrollment in the dual credit course described by paragraph (2) of this subsection, as certified to the institution by the eligible student's school district or charter school, or other means authorized by rule.

(b) A school district's or charter school's notice to the institution regarding a student's status as educationally disadvantaged shall occur through the school district's or charter school's notice to the Texas Education Agency, unless otherwise provided by rule.

(c) A participating institution shall submit to the Coordinating Board identifying information, as outlined by the Coordinating Board, for students registered for or enrolled in dual credit courses. The Coordinating Board will compare the identifying information to data provided by the Texas Education Agency and will notify the institution as to which students fulfill the requirement outlined in subsection (a)(3) of this section.

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

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SUBCHAPTER R. STATE PUBLIC JUNIOR COLLEGE FINANCE PROGRAM REPORTING, AUDIT, AND OVERALLOCATION

19 TAC §§13.520 - 13.529

The Texas Higher Education Coordinating Board (Coordinating Board) adopts new rules in Title 19, Part 1, Chapter 13, Subchapter R, §§13.520 - 13.529, State Public Junior College Finance Program Reporting, Audit, and Overallocation, with changes to §§13.522, 13.524, 13.528, and 13.529 from the proposed text as published in the October 13, 2023, issue of the *Texas Register* (48 TexReg 5913). The rules will be republished. Changes include updating cross-references throughout the subchapter to reflect rule amendments and the addition of the Integrated Fiscal Reporting System as a required reporting mechanism. Sections 13.520, 13.521, 13.523, and 13.525 - 13.527 are adopted without changes and will not be republished.

Rule 13.520 sets out the purpose of the subchapter, which is to establish definitions, certification of compliance, data reporting, audit, and correction of error requirements, as well as over-allo-

cation and under-allocation procedures, necessary to implement the State Public Junior College Finance Program.

Rule 13.521 provides the authority for the chapter, which is established pursuant to Texas Education Code, §§28.0095, 61.035, 130.003, and 130A.006-130A.009.

Rule 13.522 lists definitions used in the subchapter. These definitions establish consistent terminology within the subchapter and mirror commonly used definitions established elsewhere in the Coordinating Board's rules. The legislation establishing the State Public Junior College Finance Program permits the Coordinating Board to adopt rules as necessary to implement Texas Education Code, Chapters 61, 130, and 130A (Texas Education Code, §130A.005).

Rule 13.523 contains the policy and procedures necessary for public junior colleges to submit certifications of compliance with statute and rules. H.B. 8 requires public junior colleges to submit attestations of compliance, including compliance with all state laws and Coordinating Board rules, as a condition of receiving state funds (Texas Education Code, §§61.063 and 130.003(b)). These sections of statute also provide for the Coordinating Board to establish the manner in which public junior colleges make this attestation. Rule 13.523 therefore contains deadlines and stipulates the content of the attestation, and provides for resolution in the event of unresolved audit findings, establishing clear guidelines for institutions to comply with statute.

Rule 13.524 describes the required financial and academic reporting for institutions to submit the data necessary for the Coordinating Board to administer the State Public Junior College Finance Program. The Coordinating Board collects data through a variety of established mechanisms: the Community College Annual Reporting and Analysis Tool, Annual Financial Report Reporting, the Report of Fundable Operating Expenses, Education Data Systems reporting, and through ad hoc reporting as necessary. The data from these tools provides a cornerstone of the financial modeling necessary to determine precise funding amounts for the public junior colleges. This rule describes the uses of data from required reporting and states the standards and review processes for these reporting mechanisms. This rule implements Texas Education Code, §130A.006, which states that the Coordinating Board may establish reporting requirements as necessary to administer the finance program.

Rule 13.525 establishes the process for the Commissioner of Higher Education (Commissioner) to review required reporting for errors and formally establish when a data reporting error resulting in a material impact in formula funding was made. Statute permits the Coordinating Board to review the accuracy of data reported to the Coordinating Board for any errors (Texas Education Code, §130A.007). This section establishes parameters and expectations for the methods the Coordinating Board will use to detect data errors. In addition, this section establishes the method used by the Commissioner to make a formal determination of a data reporting error requiring a funding adjustment, an important preliminary step to start off the processes for recovering overallocated funds or disbursing under-allocated funds.

Rule 13.526 provides for compliance monitoring and auditing of funds disbursed under the new finance model for public junior colleges. Texas Education Code, §61.035, provides for the agency to conduct compliance monitoring of funds allocated to all institutions of higher education, including public junior college. This section establishes parameters and expectations of internal audit offices at institutions for data collection and examination

assistance by the internal audit offices as institutional resources allow. In addition, this section contains information regarding reporting of ongoing or completed audits involving funds administered or allocated by or data reported to the Coordinating Board.

Rule 13.527 states that institutions must retain records for a period of no less than seven years for purposes of Coordinating Board review. Coordinating Board staff chose this time period to mirror the timeline of seven years in the statute, which states that the Coordinating Board may not review expenditures made by junior colleges occurring seven or more years in the past (Texas Education Code, §130A.009(e)).

Rule 13.528 lays out the process for the Coordinating Board to recover overallocated funds in the event a public community college has received more funding than was due. This section provides how the Coordinating Board will provide notice to institutions of an error finding and lays out an appeal process for institutions. This rule implements the recovery of overallocated funds provision of H.B. 8 (Texas Education Code, §130A.009).

This rule establishes a process for institutions of higher education subject to this subchapter to receive notice and have the opportunity to submit relevant information to appeal to the Commissioner in the case where the Coordinating Board may need to make an adverse funding adjustment. The procedures established for overallocation under §13.528(d) ensure the Coordinating Board is accurately disbursing appropriated funds as intended by the Legislature, while also providing flexibility for the method used to recoup the funds. This flexibility includes providing an option to recover a sum in a lump payment under §13.528(d)(1)(B), or alternatively over a five-year timespan under §13.528(d)(2), as authorized by H.B. 8. The flexibility is intended to limit extreme adverse financial impacts to public junior colleges that might detrimentally impact institutional operations, local communities, and students served by the institution, while still carrying out the Coordinating Board's obligation to disburse appropriated funds according to law.

Rule 13.529 likewise establishes how the Coordinating Board may make a financial adjustment in light of finding that an institution was allocated less in funding than was due. H.B. 8 provides for the Commissioner to adjust funds for the purpose of accuracy (Texas Education Code, §13A.007) and authorizes adjustment to installment under Texas Education Code, §130.0031. In addition, the General Appropriations Act provides that the Coordinating Board may make adjustments in the case of shortfall for the biennium (General Appropriations Act, Article IX, Contingency and Other Provisions, Section 18.04, Subsection 16 (2023)). The Coordinating Board intends to disburse appropriated funds with fidelity to appropriators' intent; this section allows for the agency to make institutions whole in the event of a shortfall due to a data reporting error or other error.

No comments were received regarding the adoption of the new rules.

These sections are adopted under Texas Education Code, Section 130A.005, which provides the Coordinating Board with the authority to adopt rules to implement and administer the Public Junior College State Finance Program.

The adopted sections affect Texas Education Code §§28.0095, 61.035, 61.065, 130.003, 130A.006-130A.009, and 130.0031.

§13.522. Definitions.

The following words and terms, when used in this subchapter, shall have the following meanings:

(1) **Audit**--An engagement to audit the program conducted by the Coordinating Board's Internal Auditor and internal audit or compliance monitoring staff pursuant to either Texas Education Code, §§130A.006(4) or 61.035. This term may include a site visit, desk review, or examination of the institution's use of funds allocated by the Coordinating Board and data reported to the Coordinating Board. The term includes auditing undertaken to obtain evidence to sufficiently examine or verify data submitted to the Coordinating Board to be used by the Coordinating Board for funding or policymaking decisions, including data used for formula funding allocations, to ensure the data is reported accurately.

(2) **Census Date**--Prior to September 1, 2024, as defined in subchapter P, §13.472, of this chapter (relating to Definitions). On or after September 1, 2024, as defined in subchapter S, §13.553, of this chapter (relating to Definitions).

(3) **Chief Audit Executive**--The Internal Auditor hired by the Coordinating Board to perform internal auditing and compliance monitoring on behalf of the Coordinating Board pursuant to Texas Education Code, Chapters 61, 130, and 130A.

(4) **Compliance Monitoring**--A risk-based audit and compliance function conducted by the Coordinating Board pursuant to either Texas Education Code, §§130A.006(4) or 61.035, for the purpose of reviewing and assessing programmatic, legal, and fiscal compliance. This function may include conducting audits, site visits, desk reviews, or other examinations, to ensure that funds allocated or distributed by the Coordinating Board are allocated, distributed, and used in accordance with applicable law and Coordinating Board rule. The function includes obtaining evidence to sufficiently examine or verify data submitted to the Coordinating Board to be used by the Coordinating Board for funding or policymaking decisions, including data used for formula funding allocations, to ensure the data is reported accurately.

(5) **Data Reporting Error**--An error in data or other information reported and certified by a public junior college to the Coordinating Board that the Commissioner of Higher Education in his or her discretion determines may result in a material impact in the formula funding a public junior college was entitled to or received.

(6) **Desk Review**--An administrative review by the Coordinating Board that is based on information reported by an institution of higher education or a private or independent institution of higher education, including supplemental information required by the Coordinating Board for purposes of compliance monitoring, except that the term does not include information or accompanying notes gathered by the Coordinating Board during a site visit.

(7) **Full-Time Student Equivalent (FTSE)**--Prior to September 1, 2024, as defined in subchapter P, §13.472, of this chapter. On or after September 1, 2024, as defined in subchapter S, §13.553, of this chapter.

(8) **Funding Adjustment**--Any increase or decrease in funding by the Coordinating Board to an institution of higher education based on an over- or under-allocation of funds.

(9) **Over-allocation**--The over-payment of funds to a public junior college due to a data reporting error or other error by either the institution or the Coordinating Board that results in payments beyond what the institution is due.

(10) **Site Visit**--An announced or unannounced in-person visit by a representative of the Coordinating Board or its agent to an institution of higher education or a private or independent institution of higher education for the purposes of conducting an audit.

(11) **Under-allocation**--The under-payment of funds to a public junior college due to a data reporting error or other error by either the institution or the Coordinating Board that results in payments less than what the institution was owed for the fiscal year.

§13.524. *Required Reporting.*

(a) **Required Reporting.** A public junior college must submit data through required reporting mechanisms established by the Coordinating Board. The Coordinating Board may use information obtained through required reporting for:

- (1) calculating funding disbursed under this chapter;
- (2) providing timely data and analyses to inform management decisions by the governing body of each public junior college district;
- (3) administering or evaluating the effectiveness of programs; or
- (4) auditing the program.

(b) **Financial Reporting:** The Community College Annual Reporting and Analysis Tool (CARAT) and Annual Financial Report (AFR) Reporting.

(1) **Standards.** Each public junior college district must submit their Annual Financial Report (AFR) for the preceding fiscal year by January 1. The public junior college must submit the AFR following the requirements provided in the Coordinating Board's Budget Requirements and Annual Financial Reporting Requirements for Texas Public Community Colleges, also known as the AFR Manual, for that fiscal year, in accordance with Texas Education Code, §61.065.

(2) **Format.** Each public junior college must report AFR data for each completed fiscal year as prescribed in the Community College Reporting and Analysis Tool (CARAT) by January 31 of the following fiscal year.

(3) **Review Process.** The Commissioner of Higher Education will update the AFR Manual, as required by Texas Education Code, §61.065. The AFR Manual will conform to Governmental Accounting Standards Board (GASB) statements and guidance.

(c) **Financial Reporting: Report of Fundable Operating Expenses (RFOE).**

(1) **Standards.** Each public junior college must report all instructional expenses from each completed fiscal year for each institutional discipline and unallocated administrative expenses as defined in the RFOE by January 31 of the following fiscal year.

(2) **Coordinating Board staff** shall use the data provided on expenses at public junior colleges to produce a study of costs for each instructional discipline each year. This study will review all expenses made by institutions for instruction and administration from all unrestricted sources of funds, including appropriated general revenue, tuition and fees, contract instruction, other educational and general revenue, and local tax revenue.

(d) **Financial Reporting: Integrated Fiscal Reporting System (IFRS).**

(1) **Standards.** Each public junior college shall report comprehensive tuition and fee financial data each fiscal year through IFRS.

(2) The Coordinating Board may use data reported through IFRS to establish average annual tuition and fee charges as necessary to implement this chapter.

(e) **Academic Reporting:** Education Data System reporting.

(1) Standards. Each public junior college must use data standards established by the Commissioner of Higher Education to submit required information relating to the delivery of educational programs. The Commissioner of Higher Education shall adopt and publish annually data standards in official Coordinating Board publications, including through the Coordinating Board Management (CBM) Reporting and Procedures Manual for Texas Community, Technical, and State Colleges. The Coordinating Board will widely disseminate this publication, which will include:

(A) descriptions of the data collections and submission requirements;

(B) descriptions of data elements and the codes used to report them, including data used to calculate Full-Time Student Equivalent enrollments, Texas Success Initiative eligibility of students, student transfer, dual credit or dual enrollment, the number and type of credentials conferred, and other relevant student characteristics;

(C) detailed responsibilities of public junior colleges in connection to the data submission process, including each deadline for submission and resubmission; and

(D) descriptions of data submission requirements, including submission record layout specifications and data edit specifications.

(2) A public junior college may report a student in attendance on the approved course census date for the purpose of funding under this subchapter, in accordance with Texas Education Code, §130A.008.

(3) Review Process. The Commissioner of Higher Education shall review the CBM Reporting and Procedures Manuals annually. The Commissioner of Higher Education may approve changes to the data and reporting standards outside of the annual review process to expedite implementation of data collections and reporting.

(4) Certification. The reporting official for each public junior college must certify the accuracy of the report by a certification statement submitted to the Coordinating Board's Educational Data Center in accordance with the template and instructions provided in the CBM Reporting and Procedures Manual.

(f) Academic Reporting: Ad Hoc Reporting Requests. As necessary to implement this chapter, the Commissioner of Higher Education may determine the need for additional, limited, supplemental requests for data and information from public junior colleges. To the extent Ad Hoc Reporting Requests may determine or influence funding disbursements under this subchapter, the Coordinating Board shall require the reporting official or another Coordinating Board designated official for each public junior college to certify the accuracy of the information contained in the report.

§13.528. Recovery of Overallocated Funds.

(a) If the Coordinating Board determines after closing out a fiscal year pursuant to subchapter P, §13.477, of this chapter (relating to Close Out), or any close-out or settle-up provisions contained in subchapter S of this chapter, that a data reporting error or any other error resulted in an overallocation of funds to the institution, the Coordinating Board shall use any method authorized under statute or this rule to make a funding adjustment necessary to correct the over-allocation.

(b) The Coordinating Board shall notify the institution not later than 30 business days after the Commissioner of Higher Education makes a determination of a data reporting error under §13.525 of this subchapter (relating to Commissioner Review of Required Reporting; Data Reporting Errors) or otherwise identifies an error requiring a funding adjustment to recover an overallocation. This

notification must contain the amount of the overallocation and the basis for the determination.

(c) The institution may submit a written appeal to the Commissioner of Higher Education within 30 business days of receiving notification of an overallocation. The institution may attach any data or other written documentation that supports its appeal. The Commissioner of Higher Education shall review the appeal and determine in his or her sole discretion whether to affirm, deny, or modify the determination of overallocation within 30 business days of receipt. The Commissioner of Higher Education or Chief Audit Executive shall make an annual report of overallocation determinations to the Board.

(d) If the institution does not appeal or the Commissioner of Higher Education affirms the determination that an overallocation requiring a funding adjustment has occurred, the Coordinating Board shall recover an amount equal to the amount overallocated to the public junior college through one of the following methods:

(1) The Coordinating Board shall:

(A) withhold an amount equivalent to the overallocation by withholding from subsequent allocations of state funds for the current fiscal year as part of the close out of the current fiscal year; or

(B) request and obtain a refund from the public junior college during the current fiscal year an amount equivalent to the amount of the overallocation; or

(C) If the Commissioner of Higher Education in his or her sole discretion determines that the recovery of an overallocation in the current or subsequent fiscal year will have a substantial negative impact on the operations of the institution or the education of students, the Commissioner of Higher Education may instead recover the overallocation pursuant to subsection (d)(2) of this section.

(2) If the Commissioner of Higher Education in his or her sole discretion determines that an overallocation pursuant to paragraphs (1) or (2) of this section was the result of exceptional circumstances reasonably caused by statutory changes to Texas Education Code, Chapters 130 or 130A, and related reporting requirements, the Coordinating Board may recover the overallocation over a period not to exceed the subsequent five fiscal years.

(e) In addition to the recovery of an over-allocation under this section, the Commissioner of Higher Education may establish a corrective action plan for a public junior college that has received an overallocation of funds.

(f) If the public junior college fails to comply with an agreement to submit a refund established under this section, the Coordinating Board must report to the Comptroller of Public Accounts for recovery pursuant to Texas Education Code, Section 130A.009.

§13.529. Payment of Under-allocated Funds.

If the Commissioner of Higher Education determines that a data reporting error or any other error resulted in an under-allocation of funds, the Coordinating Board shall provide the funds to the institution pursuant to the close-out process in subchapter P, §13.477, of this chapter (relating to Close Out), any close-out or settle up provisions contained in subchapter S of this chapter, or as otherwise authorized by 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.

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CHAPTER 15. RESEARCH FUNDS

SUBCHAPTER B. TEXAS UNIVERSITY FUND

19 TAC §§15.20 - 15.30

The Texas Higher Education Coordinating Board (Coordinating Board) adopts new rules in Title 19, Part 1, Chapter 15, Subchapter B, §§15.20 - 15.30, concerning the Texas University Fund (TUF) without changes to the proposed text as published in the October 27, 2023, issue of the *Texas Register* (48 TexReg 6309). The rules will not be republished.

Specifically, the rules govern the eligibility, distribution methodology, and reporting for the TUF and implementation of eligibility requirements for the National Research Support Fund (NRSF) in accordance with changes made by House Bill (H.B.) 1595, 88th Texas Legislature, Regular Session. Voters approved Proposition 5, relating to research funds at general academic institutions, on November 7, 2023, which allowed the provisions of H.B. 1595 to take effect on January 1, 2024. The Coordinating Board convened a negotiated rulemaking committee comprised of higher education institutional representatives in accordance with Texas Education Code (TEC), Section 61.0331, on August 3, 2023, to develop the rules.

Chapter 15 title is amended to revise the name from National Research Universities to Research Funds to more accurately reflect the rules in this section of administrative code.

Rule 15.20 establishes the purpose of the subchapter to govern the receipt and allocation of funds distributed from the TUF. The rule also establishes the portions of the TEC that authorize the Coordinating Board to adopt rules pertaining to the TUF and rules governing the eligibility threshold of research expenditures for the NRSF.

Rule 15.21 lists definitions pertinent to the TUF. Paragraphs (2), (3), and (5) specify three distinct entities: "Board," meaning the nine-member appointed governing body of the Texas Higher Education Coordinating Board; "Coordinating Board," meaning the state agency as a whole; and "Coordinating Board Staff or Board Staff," meaning the staff of the agency. Separating these terms allows the Coordinating Board to make a distinction between actions taken by the governing body, agency staff, and the agency as a whole.

Paragraphs (6) and (10) establish the federal and private expenditures eligible for inclusion in the TUF eligibility and distribution criteria. Institutions report federal and private expenditures to the Coordinating Board under Texas Administrative Code, Chapter 13, Subchapter M, Total Research Expenditures. Federal and private expenditures exclude amounts that do not meet the Coordinating Board's narrow definition of research and development expenditures, including unrecovered indirect administration and pass-through funds to other public institutions of higher education. Pass-throughs to certain sectors of higher education would result in the state including certain research expenditures in multiple funding formulas, so separating these expenditures out in

reporting allows the state to only include the research expenditure in funding formulas for the institution who received the pass-through funding.

Paragraphs (7), (8), and (9) define the Texas public institutions of higher education that are subject to the exclusion pertaining to pass-through funding.

Paragraph (12) defines a TUF-eligible institution as one listed in H.B. 1595 or an institution that becomes eligible by reaching the statutorily required thresholds.

Rule 15.22 and §15.23 define the institutions eligible to receive distributions from the TUF in a fiscal year in accordance with TEC 62.145, as amended by H.B. 1595. This includes listed institutions in statute as well as the eligibility requirements for a new institution to become TUF-eligible in future years. This provision provides that the Coordinating Board shall annually calculate and publish an increased threshold of research expenditures based on the increase in the Consumer Price Index for All Urban Consumers as published by the United States Department of Labor, in accordance with statutory requirements.

Rule 15.24 describes the allocation of distributions of the TUF to the Permanent Endowment for Education and Research (PEER) and the Research Performance Funding, in accordance with TEC 62.148(c), as amended by H.B. 1595.

Rule 15.25 provides for the calculation of PEER base funding for TUF-eligible institutions, in accordance with TEC 62.1481, as added by H.B. 1595, and for the Coordinating Board to confer with the Legislative Budget Board each fiscal year to determine the allocation of funding. The rule establishes two levels of Base Funding: Level 1 and Level 2. Level 1 Base Funding recipients receive the maximum allocation of PEER base funding; Level 2 Base Funding recipients receive half the amount of Level 1 Base Funding. The rule establishes the criteria an institution must meet to receive Level 1 Base Funding. The rule provides that the Coordinating Board shall annually calculate and publish an increased threshold of research expenditures as part of the entry into Level 1 Base Funding based on the increase in the Consumer Price Index for All Urban Consumers as published by the United States Department of Labor, in accordance with statutory requirements.

Rule 15.26 provides for the calculation of the Research Performance Funding, in accordance with TEC 62.1482, as added by H.B. 1595, and for the Coordinating Board to confer with the Legislative Budget Board each fiscal year to determine the allocation of funding. The rule provides that 85% of research performance funds shall be allocated in each fiscal year proportional to an institution's share of the most recent three-year average of federal and private research expenditures. The rule defines private expenditures used in the calculation of funding to include business expenditures, nonprofit expenditures, and all other expenditures. Eligible expenditures shall exclude unrecovered indirect costs and pass-through funds to other general academic teaching institutions, medical and dental units, and other agencies of higher education.

The rule provides that 15% of Research Performance Funds shall be allocated in each fiscal year proportional to an institution's share of the most recent three-year average of research doctoral degrees awarded. The Coordinating Board shall annually publish a list of eligible research doctoral degrees that qualify for purposes of calculation; these degrees include an academic degree beyond the level of a master's degree that typically represents the highest level of formal study or research in a given field

and that requires completion of original research. This list shall be updated by Coordinating Board staff to reflect all degree titles included in the most recently published National Science Foundation Survey of Earned Doctorates and any additional degree titles identified by the Commissioner of Higher Education.

Rule 15.27 provides for the calculation of the legislative appropriations required to be appropriated for a new institution to become TUF-eligible or for a Level 2 Base Funding institution to receive Level 1 Base Funding. The calculation maintains existing TUF-eligible institutions or Level 1 Base Funding recipients' share of the Permanent Endowment for Education and Research.

Rule 15.28 defines the percentage share of the market value of the TUF that may be reported by TUF-eligible institutions for financial reporting purposes. The percentage share is based on an institution's receipt of Level 1 or Level 2 Base Funding from the PEER and the market value as of August 31 of the reported fiscal year, as determined by the Comptroller of Public Accounts.

Rule 15.29 requires the Coordinating Board to annually publish the metrics pertaining to the TUF for all general academic institutions each fiscal year.

Rule 15.30 provides that the Coordinating Board shall annually calculate and publish an increased threshold of research expenditures as part of the eligibility requirements for the NRSF based on the increase in the Consumer Price Index for All Urban Consumers as published by the United States Department of Labor, in accordance with TEC 62.132, as amended by H.B. 1595.

No comments were received regarding the adoption of the new rules.

The new subchapter is adopted under Texas Education Code, Section 62.132, as added by Section 6 of H.B. 1595, 88th Texas Legislature, Regular Session, which provides for the Coordinating Board to set the eligibility threshold for the National Research Support Fund by rule, and Section 62.152, as added by Section 19 of H.B. 1595, which provides the Coordinating Board with rulemaking authority to implement the new Texas University Fund.

The adopted new subchapter affects Texas Education Code, Sections 62.132 and 62.141 - 62.152.

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

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SUBCHAPTER C. NATIONAL RESEARCH UNIVERSITY FUND

19 TAC §§15.40 - 15.44

The Texas Higher Education Coordinating Board (Coordinating Board) adopts repeal of Title 19, Part 1, Chapter 15, Subchapter C, §§15.40 - 15.44, National Research University Fund (NRUF), without changes to the proposed text as published in the October 13, 2023, issue of the *Texas Register* (48 TexReg 5917). The rules will not be republished.

The Coordinating Board adopts the repeal of this subchapter in accordance with changes made by House Bill (HB) 1595, 88th Legislature, Regular Session. Voters approved Proposition 5, relating to research funds at general academic institutions, on November 7, 2023, which allowed the provisions of HB 1595 to take effect on January 1, 2024. The Coordinating Board convened a negotiated rulemaking committee comprised of higher education institutional representatives in accordance with Texas Education Code, Section 61.0331, on August 3, 2023, to develop the proposed rules.

Rules 15.40 - 15.42 establish the purpose, authority, and definitions related to the NRUF. Rule 15.43 establishes the precise criteria for eligibility to receive a distribution from the NRUF, and Rule 15.44 provides for the process by which institutions report data on the criteria to the Coordinating Board and the Coordinating Board certifies eligibility of an institution to receive an NRUF distribution to the Comptroller of Public Accounts and State Auditor's Office.

As part of the changes enacted by HB 1595, statute eliminates the NRUF and recreates it as the Texas University Fund (TUF). The Coordinating Board therefore repeals the NRUF rules and replaces them with a new section outlining the eligibility, distribution methodology, and reporting requirements for the TUF.

No comments were received regarding the adoption of the repeal.

The repeal is adopted in accordance with changes made by Tex. HB 1595, 88th Leg., R.S. (2023), which eliminates the National Research University Fund and re-creates it as the Texas University Fund.

The adopted repeal affects Texas Education Code, §§62.141 - 62.149.

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CHAPTER 21. STUDENT SERVICES SUBCHAPTER D. TEXAS FIRST EARLY HIGH SCHOOL COMPLETION PROGRAM

19 TAC §§21.51, §21.52

The Texas Higher Education Coordinating Board (Coordinating Board) adopts amendments to Title 19, Part 1, Chapter 21, Subchapter D, §21.51 and §21.52, Texas First Early High School Completion Program, without changes to the proposed text as published in the October 27, 2023, issue of the *Texas Register* (48 TexReg 6313). The rules will not be republished.

Rule 21.51 aligns the description of institutions eligible to participate in the program with recent legislative changes. The adopted amendments reflect the expansion of the program to all Texas public institutions of higher education to align with statutory amendments to Texas Education Code, §28.0253, enacted on September 1, 2023, through Senate Bill 2294, 88th Texas Legislature, Regular Session. The amendments add definitions for the terms used in statute and this subchapter governing applicability of the program, including definitions for public high school and open-enrollment charter school.

No comments were received regarding the adoption of the amendments.

The amendments are adopted under Texas Education Code, Section 56.227, which provides the Coordinating Board with the authority to adopt rules necessary to implement this subchapter.

The adopted amendments affect Texas Education Code, Chapter 56, Subchapter K-1.

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

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CHAPTER 22. STUDENT FINANCIAL AID PROGRAMS

SUBCHAPTER A. GENERAL PROVISIONS

19 TAC §22.1

The Texas Higher Education Coordinating Board (Coordinating Board) adopts amendments to Title 19, Part 1, Chapter 22, Subchapter A, §22.1, General Provisions, with changes to the proposed text as published in the October 13, 2023, issue of the *Texas Register* (48 TexReg 5918). The rule will be republished.

The adopted amendment modifies the definitions based on the consensus reached by the negotiated rulemaking committee on the Texas Educational Opportunity Grant (August 2, 2023).

Rule 22.1, Definitions, is amended to remove the definition of "entering undergraduate." The definition has been moved to the individual subchapters that are affected by the definition, specifically, subchapter L, §22.226, of this chapter for the Towards Excellence, Access, and Success (TEXAS) Grant Program, and subchapter M, §22.254, of this chapter for the Texas Educational

Opportunity Grant Program. The definitions of Board, the Commissioner, and the Coordinating Board are also amended to provide greater clarity to these terms. The republished rule revises the definition of "equivalent of a semester credit hour" and adds definitions of "credit" and "semester credit hour." These changes were made to provide greater clarity to the process for converting continuing education enrollment to semester credit hours. This clarity is necessary to implement the substantive changes upon which the Negotiated Rulemaking Committee on Texas Educational Opportunity Grant reached consensus (August 2, 2023).

The republished rule corrects the definition of "expected family contribution" to reflect the definition as it was amended to be effective May 18, 2023.

No comments were received regarding the adoption of the amendments.

The amendment is adopted under Texas Education Code, Section 61.0331, which provides the Coordinating Board with the authority to undertake negotiated rulemaking when proposing a rule relating to the allocation or distribution of funds, including financial aid or other trustee funds.

The adopted amendment affects Texas Education Code, Chapter 56, Subchapter P.

§22.1. Definitions.

The following words and terms, when used in Chapter 22, shall have the following meanings, unless otherwise defined in a particular subchapter:

(1) Academic Year--The combination of semesters defined by a public or private institution of higher education to fulfill the federal "academic year" requirement as defined by 34 CFR 668.3.

(2) Attempted Semester Credit Hours--Every course in every semester for which a student has been registered as of the official Census Date, including but not limited to, repeated courses and courses the student drops and from which the student withdraws. For transfer students, transfer hours and hours for optional internship and cooperative education courses are included if they are accepted by the receiving institution towards the student's current program of study.

(3) Awarded--Offered to a student.

(4) Board--The governing body of the agency known as the Texas Higher Education Coordinating Board.

(5) Categorical Aid--Gift aid that the institution does not award to the student, but that the student brings to the school from a non-governmental third party.

(6) Commissioner--Commissioner of Higher Education.

(7) Coordinating Board--The agency known as the Texas Higher Education Coordinating Board and its staff.

(8) Cost of Attendance/Total Cost of Attendance--An institution's estimate of the expenses incurred by a typical financial aid recipient in attending a particular institution of higher education. It includes direct educational costs (tuition and fees) as well as indirect costs (room and board, books and supplies, transportation, personal expenses, and other allowable costs for financial aid purposes).

(9) Credit--College credit earned through the successful completion of a college career and technical education or academic course that fulfills specific requirements necessary to obtain an industry-recognized credential, certificate, associate degree, or other academic degree.

(10) Degree or certificate program of four years or less--A baccalaureate degree, associate degree, or certificate program other than a program determined by the Board to require four years or more to complete.

(11) Degree or certificate program of more than four years--A baccalaureate degree or certificate program determined by the Board to require more than four years to complete.

(12) Encumber--Program funds that have been officially requested by an institution through procedures developed by the Coordinating Board.

(13) Equivalent of a semester credit hour-- A unit of measurement for a continuing education course, determined as a ratio of one continuing education unit to 10 contact hours of instruction, which may be expressed as a decimal. 1.6 continuing education units of instruction equals one semester credit hour of instruction. In a continuing education course, not fewer than 16 contact hours are equivalent to one semester credit hour.

(14) Expected Family Contribution (EFC)--A measure utilized to calculate a student's financial need as regulated and defined by the methodology used for federal student financial aid.

(15) Financial Need--The Cost of Attendance at a particular public or private institution of higher education less the Expected Family Contribution. The Cost of Attendance and Expected Family Contribution are to be determined in accordance with Board guidelines.

(16) Full-Time--For undergraduate students, enrollment or expected enrollment for the equivalent of twelve or more semester credit hours per semester. For graduate students, enrollment or expected enrollment for the normal full-time course load of the student's program of study as defined by the institution.

(17) Gift Aid--Grants, scholarships, exemptions, waivers, and other financial aid provided to a student without a requirement to repay the funding or earn the funding through work.

(18) Graduate student--A student who has been awarded a baccalaureate degree and is enrolled in coursework leading to a graduate or professional degree.

(19) Half-Time--For undergraduates, enrollment or expected enrollment for the equivalent of at least six but fewer than nine semester credit hours per regular semester. For graduate students, enrollment or expected enrollment for the equivalent of 50 percent of the normal full-time course load of the student's program of study as defined by the institution.

(20) Period of enrollment--The semester or semesters within the current state fiscal year (September 1 - August 31) for which the student was enrolled in an approved institution and met all eligibility requirements for an award through this program.

(21) Program Officer--The individual named by each participating institution's chief executive officer to serve as agent for the Board. The Program Officer has primary responsibility for all ministerial acts required by the program, including the determination of student eligibility, selection of recipients, maintenance of all records, and preparation and submission of reports reflecting program transactions. Unless otherwise indicated by the institution's chief executive officer, the director of student financial aid shall serve as Program Officer.

(22) Residency Core Questions--A set of questions developed by the Coordinating Board to be used to determine a student's eligibility for classification as a resident of Texas, available for downloading from the Coordinating Board's website, and incorporated into the ApplyTexas application for admission.

(23) Resident of Texas--A resident of the State of Texas as determined in accordance with Chapter 21, Subchapter B of this title (relating to Determination of Resident Status). Nonresident students who are eligible to pay resident tuition rates are not residents of Texas.

(24) Semester--A payment period, as defined by 34 CFR 668.4(a) or 34 CFR 668.4(b)(1).

(25) Semester Credit Hour--A unit of measure of instruction, represented in intended learning outcomes and verified by evidence of student achievement, that reasonably approximates one hour of classroom instruction or direct faculty instruction and a minimum of two hours out of class student work for each week over a 15-week period in a semester system or the equivalent amount of work over a different amount of time. An institution is responsible for determining the appropriate number of semester credit hours awarded for its programs in accordance with Federal definitions, requirements of the institution's accreditor, and commonly accepted practices in higher education.

(26) Three-Quarter-Time--For undergraduate students, enrollment or expected enrollment for the equivalent of at least nine but fewer than 12 semester credit hours per semester. For graduate students, enrollment or expected enrollment for the equivalent of 75 percent of the normal full-time course load of the student's program of study as defined by the institution.

(27) Timely Distribution of Funds--Activities completed by institutions of higher education related to the receipt and distribution of state financial aid funding from the Board and subsequent distribution to recipients or return to the Board.

(28) Undergraduate student--An individual who has not yet received a baccalaureate degree.

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

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SUBCHAPTER K. TEXAS TRANSFER GRANT PROGRAM

19 TAC §§22.200 - 22.210

The Texas Higher Education Coordinating Board (Coordinating Board) adopts new rules in Title 19, Part 1, Chapter 22, Subchapter K, §§22.200 - 22.210, Texas Transfer Grant Program, with changes to §§22.201, 22.203, and 22.208 proposed text as published in the October 13, 2023, issue of the *Texas Register* (48 TexReg 5920). The rules will be republished. Sections 22.200, 22.202, 22.204 - 22.207, 22.209, and 22.210 are adopted without changes and will not be republished.

These new sections will outline the authority and purpose, definitions, institutional eligibility requirements, student eligibility re-

quirements, satisfactory academic progress requirements, discontinuation of eligibility, hardship provisions, priorities in making grants, grant amounts, allocation of funds, and disbursement of funds, which are necessary to administer the Texas Transfer Grant Program.

Rule 22.200 indicates the specific sections of the Texas Government Code that provides the agency with authority to issue these rules, as well as the purpose of the Texas Transfer Grant Program.

Rule 22.201 provides definitions for words and terms within the Texas Transfer Grant Program rules. The definitions provide clarity for words and terms that are integral to the understanding and administration of the rules. The republished rule also captures changes to the text regarding the correction of a reference to the phrase "Coordinating Board" to align with amendments being adopted in Rule 22.1.

Rule 22.202 outlines the eligibility requirements that institutions must fulfill to participate in the program. The requirements are adopted to align with the Towards EXcellence, Access, and Success (TEXAS) Grant Program, as both programs serve students in the same institutional sector.

Rule 22.203 outlines the eligibility requirements that a student must meet to allow an institution to provide the students with a grant through the program. The adopted requirements include expectations that exist within the TEXAS Grant program, such as the requirement to be a Texas resident, to show financial need, to be enrolled in a baccalaureate degree program, to make satisfactory academic progress, and to comply with applicable Selective Service registration expectations. The adopted requirements also include expectations that are specifically targeted toward achieving the public benefit of the program, such as full-time enrollment, having completed associate degrees with at least a 2.5 grade point average at a public two-year institution to include completion of the core curriculum or an abbreviated core curriculum related to a specific approved field of study curriculum, and enrolling in a baccalaureate degree program at an eligible institution within one year of ceasing to be enrolled in a two-year public institution.

Rule 22.204 outlines the satisfactory academic progress that students must achieve to receive a grant through the program. The adopted requirement allows the participating institution to use satisfactory academic progress guidelines already in place for determining eligibility for federal financial aid programs.

Rule 22.205 outlines the situations in which a student is not eligible to receive a grant through the program. To acknowledge the goal of assisting students in completing degrees, a student may not receive a grant after completion of a baccalaureate degree. To acknowledge the limited state resources available for financial aid programs, a student may not simultaneously receive a grant through this program and the TEXAS Grant program. To encourage timely completion of a baccalaureate degree, a student may not receive a grant after having been enrolled in the baccalaureate program for two years (three years if the degree program is more than four years), nor may the student receive the grant after attempting 135 semester credit hours.

Rule 22.206 outlines provisions that permit an institution to develop a policy that allows an otherwise ineligible student to receive a grant through the program when unique hardships justify an exception. The provisions are adopted to align with similar provisions in the TEXAS Grant program. When justified and documented, these provisions may be used in relation to a stu-

dent enrolling less than full-time, failing to meet satisfactory academic progress requirements, maintaining enrollment for more than two years (three years if the degree program is more than four years), attempting more than 135 semester credit hours, or failing to enroll in a baccalaureate program within one year of ceasing to be enrolled in a two-year public institution.

Rule 22.207 outline priorities that institutions will use in determining how to select grant recipients when funding does not allow for all eligible recipients to receive grants through the program. Similar justifications exist in the TEXAS Grant program. Priority would first go toward prior recipients. For first-time recipients, priority would go to those who have demonstrated an expected family contribution that does not exceed the expected family contribution used for similar purposes in the TEXAS Grant program, with highest priority given to eligible students with the highest levels of academic achievement prior to transfer as determined by the participating institution.

Rule 22.208 outlines the maximum grant amount that a participating institution may provide to an eligible student. The maximum grant amount will be aligned with the maximum grant amounts calculated for the TEXAS Grant program under §22.234 of this chapter.

Rule 22.209 provides the allocation formula that will be used to determine the amount of funding that each participating institution will be provided for the program. The allocation formula is modeled after the criteria utilized in the allocation methodology for first-time recipients of the TEXAS Grant program. This rule is adopted based on Texas Education Code, §61.07761, which directs the Coordinating Board to establish and publish allocation methodologies and develop procedures to verify the accuracy of the calculations.

Rule 22.210 outlines the way the Coordinating Board will use to disburse funding to participating institutions. This rule aligns with the way the Coordinating Board disburses funding for other state financial aid grant programs.

Unless otherwise noted, these sections are adopted based on General Appropriations Act, 88th Leg. R.S., H.B. 1, art. III-52 ch. 1170, Rider 56, which authorizes the Coordinating Board to administer programs and trustee funds for financial aid and other grants as necessary to achieve the state's long-range goals and as directed by the legislature. Rule making to administer the Texas Transfer Grant Program is authorized by Texas Administrative Procedure Act, Texas Government Code §2001.003(6) which requires the agency to prescribe law or policy via rule making.

The following comments were received regarding the adoption of the new rules.

Comment: Texas State University indicated that the eligibility requirements in Rule 22.203 are unclear on how an institution would handle a situation where the student received an associate degree through the reverse transfer process after they enrolled at the institution.

Response: The Coordinating Board acknowledges the lack of clarity. As such, Rule 22.203(a)(7)(C) has been added to provide clarity that the associate degree coursework must have been completed prior to enrollment in a baccalaureate degree program at the institution offering a Texas Transfer Grant.

Comment: Texas State University indicated that confirmation of the associate degree may not be received until after the student enrolls and/or begins classes. As a result, the determination re-

quired for Rule 22.203(a)(7) may not occur in time for the student to be notified about grant eligibility prior to enrollment in the baccalaureate degree program.

Response: The Coordinating Board acknowledges the concern raised and notes that institutions face a similar challenge regarding associate degrees in the Toward EXcellence, Access, and Success (TEXAS) Grant Program. As such, Rule 22.203(b) has been added to provide guidance on situations where the institution offers the grant based on the expectation that the student will meet the requirements in Rule 22.203(a)(7).

Comment: Texas State University indicated that the language of Rule 22.208(b)(2) does not align with the comparable language in Rule 22.234 for the TEXAS Grant Program.

Response: The Coordinating Board acknowledges that the preamble indicates that Rule 22.208 is meant to align with the TEXAS Grant Program. As such, Rule 22.208(b)(2) has been revised to align with the TEXAS Grant Program.

The new sections are adopted under Texas Administrative Procedure Act, Texas Government Code §2001.003(6) which requires the agency to prescribe law or policy via rule making.

The adopted new sections affect General Appropriations Act, 88th Leg. R.S., H.B. 1, art. III-52 ch. 1170, Rider 56.

§22.201. Definitions.

In addition to the words and terms defined in §22.1 of this chapter (relating to Definitions), the following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise. In the event of conflict, the definitions in this subchapter shall control.

(1) Encumbered Funds--Funds ready for disbursement to the institution, based on the institution having submitted to the Coordinating Board the required documentation to request funds.

(2) Grant--A Texas Transfer Grant provided through the Texas Transfer Grant Program.

(3) Program--The Texas Transfer Grant Program.

§22.203. Eligible Students.

(a) To qualify for a grant through the Program, a student must:

(1) have Texas resident status, as determined by chapter 21, subchapter B of this title (relating to Determination of Resident Status);

(2) show financial need in the semester(s) in which a grant is offered;

(3) have applied for any available financial aid assistance;

(4) be enrolled in a baccalaureate degree program at an eligible institution;

(5) be enrolled full-time in the semester(s) in which a grant is offered unless granted a hardship waiver of this requirement under §22.206 of this subchapter (relating to Hardship Provisions);

(6) make satisfactory academic progress toward the baccalaureate degree at the eligible institution, as defined in §22.204 of this subchapter (relating to Satisfactory Academic Progress) unless the student is granted a hardship extension in accordance with §22.206 of this subchapter (relating to Hardship Provisions);

(7) have been awarded an associate degree by a public junior college as defined in Texas Education Code, §61.003(2); public technical institute as defined in Texas Education Code, §61.003(7); or

public state college as defined in Texas Education Code, §61.003(16), and credit hours earned toward completion of the associate degree must:

(A) include completion of the core curriculum or an abbreviated core curriculum related to a specific approved field of study curriculum transferable to one or more general academic teaching institutions;

(B) have been completed with at least a 2.5 grade point average; and

(C) have been completed prior to enrolling in a baccalaureate degree program at the institution offering a grant through this Program.

(8) unless granted a hardship postponement in accordance with §22.206 of this subchapter (relating to Hardship Provisions), have enrolled in the baccalaureate degree program at the eligible institution on a full-time basis not later than the end of the 12th month after the calendar month in which the student ceased being enrolled in a public junior college as defined in Texas Education Code, §61.003(2); public technical institute as defined in Texas Education Code, §61.003(7); or public state college as defined in Texas Education Code, §61.003(16); and

(9) meet applicable standards outlined in §22.3 of this chapter (relating to Student Compliance with Selective Service Registration).

(b) If a student's eligibility was based on the expectation that the student would meet the requirements in subsection (a)(7), and the student failed to do so, then the student is no longer eligible for a grant through this Program.

(1) If the institution offers the grant based on the expectation that the student would meet the requirements in subsection (a)(7) and does not become aware that the student failed to meet these requirements until after the first disbursement of the grant has been made to the student, then the institution reserves the right to require the student to repay the amount that was previously received.

(2) In no case may a student receive a subsequent disbursement of a grant through the Program after the institution has become aware that the student failed to meet the requirements in subsection (a)(7).

§22.208. Grant Amounts.

(a) Funding. The Coordinating Board may not award through this program an amount that exceeds the amount of state appropriations and other funds that are available for this use.

(b) Grant Amounts.

(1) The Commissioner shall determine and announce the maximum grant amounts in a given state fiscal year by January 31 of the prior fiscal year. The calculation of the maximum amount will be consistent with the maximum grant forward for TEXAS Grant for the semester as set out in subchapter L of this chapter (relating to Toward Excellence, Access, and Success (TEXAS) Grant Program).

(2) The amount of a Grant offered through an eligible public institution may not be reduced by any gift aid for which the person receiving the grant is eligible, unless the total amount of a person's grant plus any aid other than loans received equals or exceeds the student's financial need.

(c) The Commissioner shall make grant calculations in accordance with §22.11 of this chapter (relating to Provisions specific to the TEXAS Grant, TEOG, TEG, and Texas Work-Study Programs).

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

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SUBCHAPTER L. TOWARD EXCELLENCE, ACCESS, AND SUCCESS (TEXAS) GRANT PROGRAM

19 TAC §22.226

The Texas Higher Education Coordinating Board (Coordinating Board) adopts amendments to Title 19, Part 1, Chapter 22, Subchapter L, §22.226, Toward EXcellence, Access, and Success (TEXAS) Grant, without changes to the proposed text as published in the October 13, 2023, issue of the *Texas Register* (48 TexReg 5924). The rule will not be republished.

This amendment makes non-substantive conforming changes based on the consensus reached by the negotiated rulemaking committee on Texas Educational Opportunity Grant Program (August 2, 2023).

Rule 22.226, Definitions, is amended to add the definition of "entering undergraduate." This definition is being removed from Chapter 22, Subchapter A, General Provisions, and added to Chapter 22, Subchapter L, TEXAS Grant Program, verbatim to maintain consistency in the TEXAS Grant Program. Subsequent definitions were appropriately renumbered.

Texas Education Code, §61.0331, requires negotiated rulemaking when adopting a rule related to the allocation or distribution of funding, including financial aid and other trusteed funds. Texas Education Code, §61.07761, requires the Coordinating Board to establish and publish the allocation methodologies and to develop procedures to verify the accuracy of the application of those allocation methodologies by Coordinating Board staff.

No comments were received regarding the adoption of the amendments.

The amendment is adopted under Texas Education Code, Section 61.0331, which provides the Coordinating Board with the authority to undertake negotiated rulemaking when adopting a rule relating to the allocation or distribution of funds, including financial aid or other trusteed funds.

The adopted amendment affects Texas Education Code, Chapter 56, Subchapter M.

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

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SUBCHAPTER M. TEXAS EDUCATIONAL OPPORTUNITY GRANT PROGRAM

19 TAC §§22.254, 22.256 - 22.259, 22.261, 22.262, 22.264

The Texas Higher Education Coordinating Board (Coordinating Board) adopts amendments to Title 19, Part 1, Chapter 22, Subchapter M, §§22.254, 22.256 - 22.259, 22.261, 22.262, and 22.264, Texas Educational Opportunity Grant Program, with changes to §§22.254, 22.262, and 22.264 proposed text as published in the October 13, 2023, issue of the *Texas Register* (48 TexReg 5925). The rule will be republished. Sections 22.256 - 22.259, and 22.261 are adopted without changes and will not be republished.

The adopted amendments are necessary to implement the substantive changes upon which the Negotiated Rulemaking Committee on Texas Educational Opportunity Grant reached consensus (August 2, 2023). The republished rules capture changes to the proposed text regarding the correction of references to the phrase "Coordinating Board" to align with amendments being adopted in Rule 22.1 in conjunction with this negotiated rulemaking effort.

The negotiated rulemaking committee established a definition for "certificate program" to acknowledge the role that certificate programs play in achieving the state's goals as outlined in Building a Talent Strong Texas. The definition provides institutions with greater flexibility to acknowledge the broadening range of credentials that support the success of Texans. Rule 22.254 is republished to add the definition of "career and technical education course" and revise the definition of "certificate program" to provide even greater clarity that certificate programs eligible for TEOG consideration may be offered through either academic courses or career and technical education courses. The negotiated rulemaking committee also amended the definition of "entering undergraduate" to increase the number of credit hours under which a student will be considered an entering undergraduate. The change provides eligible institutions with greater flexibility to acknowledge the variety of pathways that students may take to starting an associate degree or certificate program.

Rule 22.256 is amended to make a non-substantive change. The text defining "entering undergraduate" was removed from §22.226 of this chapter and added to §22.256 verbatim to maintain consistency in the TEXAS Grant program.

Rule 22.257 is amended to include language acknowledging semester credit hour equivalency. The acknowledgment of semester hour equivalency exists throughout subchapter M but had been inadvertently left out of §22.257.

Rule 22.258 is amended to correct a non-substantive grammatical error.

Rule 22.259 is amended to include language acknowledging semester credit hour equivalency. The acknowledgment of semester hour equivalency exists throughout subchapter M but had been inadvertently left out of §22.259. The rule is also amended to acknowledge certificate programs, which are acknowledged throughout subchapter M but had been inadvertently left out of §22.259.

Rule 22.261 is amended to alter the calculation of the maximum grant program. The amended calculation recognizes both in-district and out-of-district resident students. The negotiated rulemaking committee views this change as a better representation of the grant calculation outlined in Texas Education Code, Section 56.407(a). The amendment will require an alteration to the manner in which institutions calculate a data element submitted through the Coordinating Board's Integrated Fiscal Reporting system which is used for this purpose. The rule is also amended to reflect the statutory change enacted by House Bill 8, 88th Texas Legislature, Regular Session. The amendment provides eligible institutions clarity regarding the statutory change and its effective date. The amendment also makes non-substantive changes to remove redundant text.

Rule 22.262 is amended to make non-substantive changes that remove outdated references to prior amendments, provide clarity to amendments completed during prior negotiated rulemaking activities, and remove text that is being moved to new rule §22.265 of this chapter

Rule 22.264 is amended to make non-substantive changes that remove outdated references to prior amendments, provide clarity to amendments completed during prior negotiated rulemaking activities, and remove text that is being moved to new rule §22.265 of this chapter.

The following comments were received regarding the adoption of the amendments.

Comment: The Commit Partnership recommended the Coordinating Board further define a "half-time" contact hour equivalency specifically for continuing education students pursuing certificates or short-term credentials, with the goal of providing greater clarity that continuing education students pursuing certificates or short-term credentials are eligible for TEOG.

Response: Amendments being adopted and republished in Rule 22.1 in conjunction with this negotiated rulemaking provide a revised definition for the "equivalent of a semester credit hour," along with the addition of the definitions of "credit" and "semester credit hour." The republished definitions, in combination with the existing definition of "half-time," accomplish the goal of providing greater clarity regarding half-time status. In addition to the changes in Rule 22.1, the definitions in Rule 22.254 are republished to add the definition of "career and technical education course" and to revise the definition of "certificate program." The republished definitions provide greater clarity that certificates may be offered using academic courses or career and technical education courses.

Comment: The Commit Partnership recommended the Coordinating Board change all references to "expected family contribution" with references to "student aid index," in response to changes in terminology occurring at the federal level.

Response: In May 2023, Rule 22.1 was amended to update the definition of "expected family contribution" for the entirety of Title 19, Part 1, Chapter 22. The definition now reads as follows, "A measure utilized to calculate a student's financial need as

regulated and defined by the methodology used for federal student financial aid." The Coordinating Board has determined that this updated definition accomplished the goal of reflecting the changes in the new terminology in the federal methodology. As such, no change is being made in response to this comment.

The amendments are adopted under Texas Education Code, Section 61.0331, which provides the Coordinating Board with the authority to undertake negotiated rulemaking when adopting a rule relating to the allocation or distribution of funds, including financial aid or other trusted funds.

The adopted amendments affect Texas Education Code, Chapter 56, Subchapter P.

§22.254. *Definitions.*

In addition to the words and terms defined in §22.1 of this chapter (relating to Definitions), the following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

(1) Career and Technical Education Course--A workforce or continuing education college course offered by an institution of higher education for which a student may earn credit toward satisfaction of a requirement necessary to obtain an industry-recognized credential, certificate, or associate degree.

(A) A career and technical education course is listed in the Workforce Education Course Manual (WECM).

(B) For the purpose of this subchapter, this definition excludes:

(i) an avocational course;

(ii) a continuing education course that is ineligible for conversion as articulated college credit; and

(iii) a continuing education course that does not meet the institution's program or instructor accreditation standards.

(2) Certificate Program--For purposes of the Texas Educational Opportunity Grant Program, Level 1 and Level 2 certificates, Occupational Skills Awards, and other credentials of value as defined in §13.472 of this chapter (relating to Definitions). These include programs offered through academic courses or through career and technical education courses, as defined in paragraph (1) of this subsection.

(3) Continuation Award--A grant awarded to a person who has previously received an initial year award.

(4) Entering undergraduate--A student enrolled in the first 45 semester credit hours or their equivalent, excluding hours taken during dual enrollment in high school and courses for which the student received credit through examination.

(5) Forecast--The FORECAST function in Microsoft Excel.

(6) Grant--Funds awarded to a student through the Texas Educational Opportunity Grant Program.

(7) Initial year award--The grant award made in the student's first year in the Program.

(8) Program--The Texas Educational Opportunity Grant Program.

§22.262. *Allocation of Funds - Public Junior Colleges.*

(a) Allocations are to be determined on an annual basis as follows:

(1) The allocation base for each eligible institution will be the number of students it reported in the most recent certified Financial Aid Database submission who met the following criteria:

(A) were classified as Texas residents,

(B) were enrolled as undergraduates in an associate degree or certificate program half-time, three-quarter time or full-time, and

(C) have a 9-month Expected Family Contribution, calculated using federal methodology, less than or equal to the Federal Pell Grant eligibility Expected Family Contribution cap for the year reported in the Financial Aid Database submission.

(2) Each institution's percent of the available funds will equal its percent of the state-wide need as determined by multiplying each institution's enrollments by the respective award maximums of students who meet the criteria in subsection (a)(1) of this section.

(3) Allocations for both years of the state appropriations' biennium will be completed at the same time. The three most recent certified Financial Aid Database submissions will be utilized to forecast the data utilized in the calculation of the allocation for the second year of the biennium. Institutions will receive notification of their allocations for both years of the biennium at the same time.

(4) Allocation calculations will be shared with all participating institutions for comment and verification prior to final posting and the institutions will be given 10 working days, beginning the day of the notice's distribution and excluding State holidays, to confirm that the allocation report accurately reflects the data they submitted or to advise the Coordinating Board of any inaccuracies.

(b) Reductions in Funding.

(1) If annual funding for the program is reduced after the start of a fiscal year, the Coordinating Board may take steps to help distribute the impact of reduced funding across all participating institutions by an across-the-board percentage decrease in all institutions' allocations.

(2) If annual funding is reduced prior to the start of a fiscal year, the Coordinating Board may recalculate the allocations according to the allocation methodology outlined in this rule for the affected fiscal year based on available dollars.

§22.264. *Allocation of Funds - Public Technical and State Colleges.*

(a) Allocations are to be determined on an annual basis as follows:

(1) The allocation base for each eligible institution will be the number of students it reported in the most recent certified Financial Aid Database submission who met the following criteria:

(A) were classified as Texas residents;

(B) were enrolled as undergraduates in an associate degree or certificate program half-time, three-quarter time, or full-time; and

(C) have a 9-month Expected Family Contribution, calculated using federal methodology, less than or equal to the Federal Pell Grant eligibility Expected Family Contribution cap for the year reported in the Financial Aid Database submission.

(2) Each institution's percent of the available funds will equal its percent of the state-wide need as determined by multiplying each institution's enrollments by the respective award maximums of students who meet the criteria in subsection paragraph (1) of this subsection.

(3) Allocations for both years of the state appropriations' biennium will be completed at the same time. The three most recent certified Financial Aid Database submissions will be utilized to forecast the data utilized in the calculation of the allocation for the second year of the biennium. Institutions will receive notification of their allocations for both years of the biennium at the same time.

(4) Verification of Data. Allocation calculations will be shared with all participating institutions for comment and verification prior to final posting, and the institutions will be given 10 working days, beginning the day of the notice's distribution and excluding State holidays, to confirm that the allocation report accurately reflects the data they submitted or to advise the Coordinating Board of any inaccuracies.

(b) Reductions in Funding.

(1) If annual funding for the program is reduced after the start of a fiscal year, the Coordinating Board may take steps to help distribute the impact of reduced funding across all participating institutions by an across-the-board percentage decrease in all institutions' allocations.

(2) If annual funding is reduced prior to the start of a fiscal year, the Coordinating Board may recalculate the allocations according to the allocation methodology outlined in this rule for the affected fiscal year based on available dollars.

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

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19 TAC §22.265

The Texas Higher Education Coordinating Board (Coordinating Board) adopts new rules in Title 19, Part 1, Chapter 22, Subchapter M, §22.265, Texas Educational Opportunity Grant program, with changes to the proposed text as published in the November 3, 2023, issue of the *Texas Register* (48 TexReg 6443). The rule will be republished.

The new rule makes non-substantive conforming changes based on the consensus reached by the negotiated rulemaking committee on Texas Educational Opportunity Grant Program (August 2, 2023). Reports of negotiated rulemaking committees are public information and are available upon request from the Coordinating Board.

Rule 22.265 is added to make a non-substantive change regarding the placement of text within subchapter M. The text captured in this section, related to Disbursement of Funds to Institutions, is being removed from §22.262 and §22.264 and added in §22.265 verbatim to maintain consistency in the rule structure used in the subchapters of chapter 22. The rule explains the manner in which an institution may request its allocated funding through the

Texas Educational Opportunity Grant Program and how unused allocations are handled.

The republished rule captures changes to the proposed text regarding the correction of references to the phrase "Coordinating Board" to align with amendments being adopted in §22.1 in conjunction with this negotiated rulemaking effort.

Texas Education Code, §61.0331, requires negotiated rulemaking when adopting a rule related to the allocation or distribution of funding, including financial aid and other trusteed funds. Texas Education Code, §61.07761, requires the Coordinating Board to establish and publish the allocation methodologies and to develop procedures to verify the accuracy of the application of those allocation methodologies by Coordinating Board staff.

No comments were received regarding the adoption of the new rule.

The new rule is adopted under Texas Education Code, Section 61.0331, which provides the Coordinating Board with the authority to undertake negotiated rulemaking when adopting a rule relating to the allocation or distribution of funds, including financial aid or other trusteed funds.

The adopted new rule affects Texas Education Code, Chapter 56, Subchapter P.

§22.265. *Disbursement of Funds to Institutions.*

As requested by institutions throughout the academic year, the Coordinating Board shall forward to each participating institution a portion of its allocation of funds for timely disbursement to students. Institutions will have until the close of business on August 1, or the first working day thereafter if it falls on a weekend or holiday, to encumber program funds from their allocation. After that date, institutions lose claim to any funds in the current fiscal year not yet drawn down from the Coordinating Board for timely disbursement to students. Funds released in this manner in the first year of the biennium become available to the institution for use in the second year of the biennium. Funds released in this manner in the second year of the biennium become available to the Coordinating Board for utilization in grant processing. Should these unspent funds result in additional funding available for the next biennium's program, revised allocations, calculated according to the allocation methodology outlined in this rule, will be issued to participating institutions during the fall semester.

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

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**SUBCHAPTER N. TEXAS LEADERSHIP
SCHOLARS PROGRAM**

19 TAC §§22.285 - 22.297

The Texas Higher Education Coordinating Board (Coordinating Board) adopts new rules in Title 19, Part 1, Chapter 22, Subchapter N, §§22.285 - 22.297, Texas Leadership Scholars Programs, without changes to the proposed text as published in the November 3, 2023, issue of the *Texas Register* (48 TexReg 6444). The rules will not be republished.

Texas Education Code (TEC), Chapter 61, Subchapter T-3, requires the Coordinating Board to adopt rules for the administration of the program, including rules providing for the amount and permissible uses of a scholarship awarded under the program. The legislation only specified student eligibility, conditions for continued participation, and authorization for institutional agreements. The new rules provide clarity and guidance to students, participating institutions, and Coordinating Board staff for the program's implementation.

Specifically, these new sections outline the authority and purpose, definitions, institutional eligibility requirements, student eligibility requirements, academic achievement support, leadership development opportunities, hardship provisions, scholarship amounts, allocation and disbursement of funds, which are necessary to administer the Texas Leadership Scholars Program.

Rule 22.285 indicates the specific sections of the TEC that provide the agency with authority to issue these rules, as well as the purpose of the Texas Leadership Scholars Program.

Rule 22.286 provides definitions for words and terms within Texas Leadership Scholars rules. The definitions provide clarity for words and terms that are integral to the understanding and administration of the Texas Leadership Scholars rules.

Rule 22.287 outlines the requirements institutions must fulfill to participate in the Texas Leadership Scholars program. The requirements are adopted to: (a) clarify the type of institution eligible to participate, and (b) provide rules specific to requirements the Coordinating Board is proposing to ensure effective administration of the Texas Leadership Scholars Program, such as the requirement that each participating institution enter into an agreement with the Coordinating Board. This section is adopted to implement Education Code, §61.897, which directs the Coordinating Board to adopt rules as necessary to implement the Texas Leadership Scholars Program. The requirement to enter into an agreement with the Coordinating Board ensures that each institution will comply with the requirements of statute and rules and ensure continuity of the program for students.

Rule 22.288 outlines the eligibility requirements students must meet to allow an institution to select a student as a scholar under the Texas Leadership Scholars Program. The requirements are adopted to: (a) gather in one place the statutory requirements for the Texas Leadership Scholars Program, including the requirements related to a student's financial need; (b) clarify aspects of the statutory requirements, including the requirements related to the student graduating with a distinguished level of achievement under the Foundation School Program, and qualified either for automatic admission, be nominated, or graduate with a Texas First Diploma; and (c) clarify aspects of the statutory requirements related to student's eligibility to continue in the program, such as making satisfactory academic progress and participation in programmatic requirements. The requirements of this section establish minimum criteria for a student to be eligible to receive a scholarship. These provisions include those required by statute and establish minimum criteria for academic achievement and financial need that are tied to criteria included in other Board rules.

This section is adopted to implement Education Code, §61.897, which directs the Coordinating Board to adopt rules as necessary to implement the Texas Leadership Scholars Program.

Rule 22.289 outlines the satisfactory academic progress requirements related to a student's eligibility to continue in the program. This standard uses satisfactory academic progress criteria included in other financial aid rules.

Rule 22.290 outlines the guidelines for scholars to transfer to another eligible institution. The requirements are adopted to: (a) clarify that scholars are eligible to transfer once during the student's eligibility period; and (b) clarify that the Coordinating Board will make sure that the scholar will receive the scholarship funds during their eligibility period. This section allows a student to continue a scholarship after matriculating to other eligible institution but only once.

Rule 22.291 outlines the process and the criteria in which institutions will select students to receive the Texas Leadership Scholars scholarship. The requirements are adopted to: (a) clarify that students will indicate interest through an application; and (b) that institutions will make selections based on a student's eligibility, evidence of leadership, service, and academic achievement. The rule provides that each institution will select its own scholars and establishes minimum criteria that the institution's are required to use in the selection process.

Rules 22.292 and 22.293 outline the requirements that institutions must fulfill to provide programmatic experiences for scholars in the program. The requirements are adopted to: (a) clarify the types of academic achievement and leadership development programmatic elements institutions must provide for scholars; and (b) clarify if the institution is unable to provide the listed programmatic elements, the process for approval for alternative programming. These requirements implement standards in Education Code, §61.895.

Rule 22.294 outlines the requirements that institutions must follow to determine when scholars are no longer eligible to participate in the Texas Leadership Scholars Program. The requirements are adopted to: (a) gather in one place the statutory requirements for the Texas Leadership Scholars Program, including the requirements related to a student's enrollment and the transfer policy; and (b) clarify the aspects of the statutory requirements, such as the student being enrolled in a baccalaureate degree and receiving the scholarship for no more than four years. These provisions implement Education Code, §61.894, by setting criteria for discontinuation of students who become ineligible to receive a scholarship.

Rule 22.295 outlines the criteria for an institution to allow an eligible scholar a hardship provision under the Texas Leadership Scholars Program. This section provides institutions with the provisions for hardship consideration and defines the conditions the hardship may include such as severe illness. This section outlines the process in which the institution must document the circumstances of the hardship and is consistent with the standards used by the Coordinating Board across other financial aid programs.

Rule 22.296 outlines the scholarship amounts and how the Coordinating Board will allocate the funds to institutions. The adopted rule provides the process in which the number of initial scholarships is determined, the number of scholarships for returning scholars, and the annual allocation formula for each institution. These provisions ensure that an institution uses only funds available for the scholarship and specify how the Coordinating Board

will award and fund scholarships to the institutions to provide consistent, administrable funding for the Program.

Rule 22.297 establishes the mechanisms by which the Coordinating Board will disburse the funds to each participating institution to support their participation in the Texas Leadership Scholars Program, as well as the institutions' participation in the process. The adopted rule provides the frequency of disbursements to each institution and the way the institutions will have the opportunity to review the calculation for accuracy.

The following comments were received regarding the adoption of the new rules.

Comment: The University of Texas at Tyler submitted the following comments:

(1) Regarding Rule 22.270, the university presents the following comments about allowing scholars to transfer to another participating institution. The university states, "Allowing scholars to transfer to another participating institution is not appropriate and harms the program participants. (a) Disrupts the cohort model that is in place and what is expected of selected members. (b) Disservice to the students who were not selected for the spot that is now vacant. (c) Each institution has a different experience established, if transfers are allowed, institutions will have to determine how to catch a student up on the experiences they have missed. "The university comments that a possible solution is "to allow transfer students who were not selected nor have participated to be eligible to apply when applications are open. This solution provides additional opportunity to those not selected or aware of the program."

(2) Regarding Rule 22.275, the university asks if a scholar can receive multiple hardships. The university states that the language is not clear enough and that institutions will have to figure out where to place them in relation to their cohort if the hardship involves non-enrollment up to 1 year.

(3) Regarding Rule 22.275(b)(4), the university asks if an additional hardship is awarded or if the scholar must register full-time in his/her final semester before graduating, even if the scholar needs less than 12 hours to graduate. The university offers the recommendation to update the current language to reflect that the graduating semester is auto approved for hardship regardless of a previously granted hardship.

(4) Regarding Rule 22.275(c), the university asks for clarification about when a hardship starts and for how long. The university suggests clearer language (ie: time of application, academic year, or calendar year) or add language that states that the institution makes the determination.

Response: The Coordinating Board appreciates these comments and provides the following responses.

(1) Providing a Scholar the opportunity to transfer not more than one time, allows the scholar to continue in the program when they may experience unknown or unanticipated challenges, or changes on their journey to graduation. A Scholar will not be penalized for a one-time transfer to another eligible institution, and the Scholar will continue to receive support and leadership opportunities. The Coordinating Board will ensure that the eligible institution enrolling the transfer-in scholar receives scholarship funds for the Scholar's remaining period of eligibility. Based on available research, strong cohort models, as required with the Scholar's program, should limit the number of Scholars who seek a one-time transfer.

(2) Yes, multiple hardships are allowable so long as the scholar has not exceeded four years of funding. The institution can make the determination if a scholar's cohort needs to change due to the scholar's need to receive a hardship during their eligibility and the institution is provided latitude to develop a hardship policy and make determinations based on said policy.

(3) An eligible institution is permitted to and may include such language in its hardship policy as set forth in Rule 22.295(e). Rule 22.295(b)(4) states that a hardship condition may include a Scholar who needs fewer than twelve semester credit hours to complete their degree plan.

(4) The institution is responsible for adopting a hardship policy and approving hardships in accordance with the policy.

Comment: The University of Texas at El Paso submitted the following comments:

(1) Regarding Rule 22.267(4), the university presents the following question for clarification: "We understood that the intention of the program was to select students with academic need (specifically TEXAS Grant eligibility) so that grant aid could essentially cover tuition and fees, and the additional scholarship funding provided by the state would cover housing and fees (seemingly confirmed by language in §22.276). However, when I read §22.267, I don't see a rule requiring eligible institutions to apply the funds this way."

(2) Regarding Rule 22.268(5), the university comments that adding "applied for FAFSA/TAFFSA and shown a financial need" would be an effective addition to the language.

(3) Regarding Rule 22.268(A) the university asks whether information about the "Distinguished Level of Achievement under the "Foundation High School Program" will be included on the website and promotional materials.

(4) Regarding Rule 22.268(3), the university presents the question about satisfactory academic progress and seeks clarification about which satisfactory academic progress requirements are to be followed: "...the student's 1st year SAP is decided by the institution, but in their 2nd - 4th year isn't SAP determined by the requirements per TEXAS Grant?"

(5) Regarding Rule 22.274(1) the university asks for clarification about the scholarship funding length. The university asks if the scholarship funding lasts up to 5 years only if the scholar receives a hardship or if the scholarship duration is 5 years even if the scholar does not receive a hardship.

Response: The Coordinating Board appreciates these comments and offers the following responses:

(1) The Coordinating Board will provide a scholarship for housing and food that must be applied towards the scholar's account and may not exceed the cost of attendance. Participating institutions are responsible for utilizing any federal, state, or institutional aid to cover tuition and fees at no cost to the scholar. Each scholar must be Texas Grant eligible to participate in the program; however, it is up to the institution to determine what funds will be allocated to cover tuition and fees for each scholar.

(2) Rule 22.288(a)(6) specifically states that a student must be TEXAS Grant eligible. Eligibility for a TEXAS grant includes financial need requirements. Therefore adding "financial need" to (a)(5) would be redundant.

(3) A distinguished level of achievement under the foundation high school program will be provided in a guide to coordinators

at participating institutions. This information can also be found at 19 Tex. Admin. Code §74.12.

(4) In order to receive an initial award, a student must be Texas Grant eligible. Satisfactory academic progress, as stated in Rule 22.289, is determined by the institution's financial aid office based on the requirements used for federal financial aid programs.

(5) A scholar cannot receive an award for a total of more than four years. Eligibility ends after five years unless a hardship is granted. Absent a hardship, it would be difficult for a scholar to remain eligible based on the continuation requirements in 22.288(b).

Rule 22.267(4) states that participating institutions ensures that scholars receive sufficient financial aid from federal, state, or institutional aid, therefore, Satisfactory Academic Progress requirements are determined by each institution's policy depending on the scholar's awarded aid. A scholar is eligible to receive the Leadership Scholarship award funding for no more than four years within a five-year period if a hardship is granted.

The new sections are adopted under Texas Education Code, Section 61.897, which provides the Coordinating Board with the authority to adopt rules as necessary to implement the Texas Leadership Scholars Program.

The adopted new sections affect Texas Education Code, Sections 61.891 - 61.897.

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

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SUBCHAPTER T. TEXAS FIRST SCHOLARSHIP

19 TAC §§22.550 - 22.552, 22.554 - 22.556

The Texas Higher Education Coordinating Board (Coordinating Board) adopts amendments to Title 19, Part 1, Chapter 22, Subchapter T, §§22.550 - 22.552, 22.554, and 22.555, Texas First Scholarship without changes to the proposed text as published in the October 27, 2023, issue of the *Texas Register* (48 TexReg 6315). The rules will not be republished. The Coordinating Board also adopts amendments to §22.556 with changes to the proposed text as published in the October 27, 2023, issue of the *Texas Register* (48 TexReg 6315). The rule will be republished.

These amendments align the rules with statutory changes that were enacted on September 1, 2023, through Senate Bill 2294, 88th Texas Legislature, Regular Session.

Rule 22.550 aligns the purpose of the program with recent legislative changes. The adopted amendments reflect the expansion

sion of the program to all Texas public institutions of higher education to align with statutory changes that were enacted on September 1, 2023, through Senate Bill 2294, 88th Texas Legislature, Regular Session.

Rule 22.551 adds the definition of academic year. The adopted amendments establish a definition of academic year to be consistently applied across all institutions for this program. The amendments are adopted under Texas Education Code, Section 56.227, which provides the Coordinating Board with the authority to adopt rules necessary to implement this subchapter.

Rule 22.552 aligns the description of institutions eligible to participate in the program with recent legislative changes. The adopted amendments reflect the expansion of the program to all Texas public institutions of higher education to align with statutory changes that were enacted on September 1, 2023, through Senate Bill 2294, 88th Texas Legislature, Regular Session.

Rule 22.554 clarifies the academic year used in determining the discontinuation of a student's eligibility. The adopted amendments establish a standard to be used across all participating institutions to reflect that the discontinuation of a student's eligibility is based on the first academic year that begins after a student's graduation from high school. The amendments are adopted under Texas Education Code, Section 56.227, which provides the Coordinating Board with the authority to adopt rules necessary to implement this subchapter.

Rule 22.555 clarifies the academic year used in determining the scholarship amount. The adopted amendments align the calculation with the academic year that is also used to determine the extent of a student's eligibility time period. The amendments are adopted under Texas Education Code, Section 56.227, which provides the Coordinating Board with the authority to adopt rules necessary to implement this subchapter.

Rule 22.556 clarifies the time period used in calculating the institution's disbursement. The adopted amendments align the calculation of the disbursement with the reporting period used to make the calculation. Rule 22.556 is also corrected from what was published in the proposed rule due to the inadvertent strikethrough of the word "board" instead of "staff." This is a non-substantive change.

No comments were received regarding the adoption of the amendments.

The amendment is adopted under Texas Education Code, Section 56.227, which provides the Coordinating Board with the authority to adopt rules necessary to implement this subchapter.

The adopted amendment affects Texas Education Code, Chapter 56, Subchapter K-1.

§22.556. Institutional Reimbursement.

(a) The Coordinating Board shall distribute to each eligible institution an amount of funds equal to the amount of state credit applied by the institution under §22.555 of this subchapter (relating to Scholarship Amount) during the academic period reported under subsection (b) of this section.

(b) The institution's annual Financial Aid Database submission will be used to calculate the reimbursement amount.

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

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CHAPTER 23. EDUCATION LOAN
REPAYMENT PROGRAMS
SUBCHAPTER D. LOAN REPAYMENT
PROGRAM FOR MENTAL HEALTH
PROFESSIONALS

19 TAC §§23.93 - 23.101

The Texas Higher Education Coordinating Board (Coordinating Board) adopts amendments to Title 19, Part 1, Chapter 23, Subchapter D, §§23.93 - 23.101, Loan Repayment Program for Mental Health Professionals, with changes to §23.97 and §23.98 proposed text as published in the October 27, 2023, issue of the *Texas Register* (48 TexReg 6317). The rules will be republished. Sections 23.93 - 23.96 and 23.99 - 23.101 are adopted without changes and will not be republished.

Specifically, the amendments align the eligible specialties, selection of recipients, eligibility for the program, and amount of repayment assistance in the Mental Health Professionals Loan Repayment Program with statutory changes enacted by House Bill 1211 (HB 1211), House Bill 2100 (HB 2100), and Senate Bill 532 (SB 532), 88th Texas Legislature, Regular Session.

Rule 23.93 amends the description of the purpose of the program to align with the program's expansion, as outlined in HB 1211, HB 2100, and SB 532, 88th Texas Legislature, Regular Session.

Rule 23.94 amends definitions for words and terms within the Mental Health Professionals Loan Repayment Program rules. The definitions are adopted to provide clarity for words and terms that are integral to the understanding and administration of the rules. Specifically, definitions for community-based mental health services, local mental health authority, state hospitals, and Title I schools, are added, and the definition of full-time service is amended, as these changes are necessary for the understanding and administration of additional eligibility, as outlined in HB 1211, HB 2100, and SB 532, 88th Texas Legislature, Regular Session. Additional, non-substantive changes are also made to provide clarity and define an acronym.

Rule 23.95 amends the list of eligible practice specialties, adding licensed specialist in school psychology. The change aligns the rule with the amendment to Texas Education Code (TEC), Section 61.601, HB 1211, 88th Texas Legislature, Regular Session.

Rule 23.96 amends the requirements for conditional approval into the program. The amendment adds the requirements for mental health professionals who provide mental health services to patients in state hospitals, individuals receiving community-based mental health services from a local mental health authority, or students enrolled in an eligible district or school. The change aligns the rule with the amendments to TEC, Sections

61.603 and 61.607, HB 1211 and SB 532, 88th Texas Legislature, Regular Session. The amendment also delineates between applicants who first establish eligibility for the program before September 1, 2023, and applicants who first establish eligibility for the program on or after September 1, 2023, as required by Section 11 of SB 532, 88th Texas Legislature, Regular Session. The amendment also makes a non-substantive change that aligns with a similar change in §23.93 (relating to Definitions).

Rule 23.97 amends the selection process within each practice specialty to account for applications from mental health professionals who provide mental health services to patients in state hospitals that may not be located in mental health professional shortage areas. Applications from mental health professionals who provide mental health services to individuals receiving community-based mental health services from a local mental health authority or students enrolled in an eligible district or school are accounted for in the current rule text. The amendment also makes non-substantive changes that align with similar changes in §23.93 (relating to Definitions).

Rule 23.98 amends the requirements to receive disbursements of loan repayment assistance. The amendment delineates between the requirements for licensed specialists in school psychology and the requirements for other providers. The change aligns the rule with the amendments to TEC, Sections 61.603 and 61.607, made by HB 1211 and SB 532, 88th Texas Legislature, Regular Session. It also delineates between applicants who first establish eligibility for the program before September 1, 2023, and applicants who first establish eligibility for the program on or after September 1, 2023, as required by Section 11 of HB 532, 88th Texas Legislature, Regular Session. Of note, while HB 1211 amends TEC, Section 61.603 to require one, two, three, four, or five years of service for licensed specialists in school psychology, SB 532 amends TEC, Section 61.607, to only provide payments to all participants in the program after one, two, or three years of service. Rule 23.98 is thus written to conform with the latter.

Rule 23.99 is amended to make a non-substantive change that aligns with a similar change in §23.93 (relating to Definitions).

Rule 23.100 amends the amount of repayment assistance a participant may receive through the program. The maximum amount a licensed specialist in school psychology may receive is added to the rule to align with the amendments to TEC, Section 61.607, HB 1211, 88th Texas Legislature, Regular Session. The rule also amends the percentage of the maximum funding that a participant may receive for each year of participation in the program to align with amendments to TEC, Section 61.607, made by SB 532, 88th Legislative Session. It also delineates between applicants who first establish eligibility for the program before September 1, 2023, and applicants who first establish eligibility for the program on or after September 1, 2023, as required by Section 11 of SB 532, 88th Texas Legislature, Regular Session.

Rule 23.101 is amended to make a non-substantive change that aligns with a similar change in §23.93 (relating to Definitions).

The following comments were received regarding the adoption of the amendments.

Comment: Texas Medical Association indicated that the proposed amendments fail to address the limitations on providing funding to licensed marriage and family therapists, as dictated by Texas Education Code, Section 61.604(d)-(e).

Response: The Coordinating Board acknowledges that the rules lack clarity regarding the limitation of funding for licensed marriage and family therapists. To address this, the Board will amend Rule 23.97(d) and 23.97(e) to reflect that they apply to eligible practice subspecialties other than licensed marriage and family therapists, and add Rule 23.97(f) to address the situation when available funding allows for licensed marriage and family therapists to receive funding through the program.

Comment: Texas Medical Association noted that the published text in Rules 23.98(a)(1) and 23.98(b)(1) did not match the current text in the Education Code, nor did it indicate that the text was changing.

Response: The Coordinating Board acknowledges the error in the published text. No change was intended for these two subsections, and the adopted rule corrects this error to reflect the current text in the Education Code for the two subsections indicated.

The amendments are adopted under Texas Education Code, Section 61.608, which provides the Coordinating Board with the authority to adopt rules necessary to administer Texas Education Code, Chapter 61, Subchapter K.

The adopted amendment affects Texas Education Code, Chapter 61, Subchapter K.

§23.97. Selection of Eligible Applicants and Limitations.

(a) Each fiscal year an application deadline will be posted on the program web page.

(b) Not more than 10 percent of the number of repayment assistance grants paid under this subchapter each year may be awarded to mental health professionals providing mental health services to persons committed to a secure correctional facility operated by or under contract with the Texas Juvenile Justice Department or persons confined in a secure correctional facility operated by or under contract with any division of the Texas Department of Criminal Justice. Applications from these professionals will be selected on a first-come-first-served basis.

(c) Not more than 30 percent of the number of repayment assistance grants paid under this subchapter each fiscal year may be awarded to mental health professionals in any one of the eligible practice specialties, unless excess funds remain available after the 30 percent maximum has been met.

(d) For practice specialties outlined in §23.95(1) - (7) of this subchapter (relating to Eligible Practice Specialties), applications will be ranked in order of the following priorities:

- (1) providers who benefitted from awards the previous year;
- (2) providers who sign SLRP contracts;
- (3) providers whose employers are located in areas having MHPSA scores that reflect the highest degrees of shortage. If a provider works for an agency located in an MHPSA that has satellite clinics and the provider works in more than one of the clinics, the highest MHPSA score where the provider works shall apply. If a provider travels to make home visits, the provider's agency base location and its MHPSA score shall apply. If a provider works for different employers in multiple MHPSAs having different degrees of shortage, the location having the highest MHPSA score shall apply;
- (4) providers in state hospitals;
- (5) providers whose employers are located in rural areas, if, in the case of providers serving at multiple sites, at least 75% of their work hours are spent serving in those areas; and

(6) providers whose applications were received on the earliest dates.

(e) If funds remain available after loan repayment awards have been reserved for applicants selected according to the criteria stated in subsection (d) of this section, applications for practice specialties outlined in §23.95(1) - (7) of this subchapter will be ranked in order of the following priorities, regardless of the applicant's practice specialty:

(1) providers whose employers are located in areas having MHPSA scores that reflect the highest degrees of shortage. If a provider works for an agency located in an MHPSA that has satellite clinics and the provider works in more than one of the clinics, the highest MHPSA score where the provider works shall apply. If a provider travels to make home visits, the provider's agency base location and its MHPSA score shall apply. If a provider works for different employers in multiple MHPSAs having different degrees of shortage, the location having the highest MHPSA score shall apply;

(2) providers whose employers are located in rural areas, if, in the case of providers serving at multiple sites, at least 75% of their work hours are spent serving in those areas; and

(3) providers whose applications were received on the earliest dates; and

(4) providers eligible under subsection in §23.95(8) of this subchapter.

(f) If funds remain available after loan repayment awards have been reserved for applicants selected according to the criteria stated in subsection (e) of this section, applications for practice specialties outlined in §23.95(8) of this subchapter, will be ranked in order of the providers whose applications were received on the earliest dates.

(g) If state funds are not sufficient to allow for maximum award amounts stated in §23.100 of this subchapter (relating to Amount of Repayment Assistance) for all eligible applicants, the Board staff may adjust in an equitable manner the state-funded distribution amounts for a fiscal year, in accordance with TEC 61.607(d).

§23.98. Eligibility for Disbursement of Loan Repayment Assistance.

(a) To be eligible to receive loan repayment assistance as a mental health professional who first established eligibility for the program before September 1, 2023, a mental health provider must:

(1) have completed one, two, three, four, or five consecutive years of practice in an MHPSA providing direct patient care to Medicaid enrollees and/or CHIP enrollees, if the practice serves children, or to persons committed to a secure correctional facility operated by or under contract with the Texas Juvenile Justice Department or its successor or in a secure correctional facility operated by or under contract with any division of the Texas Department of Criminal Justice or its successor; and

(2) after an award is disbursed for a third consecutive year of service, a psychiatrist must have earned certification from the American Board of Psychiatry and Neurology or the American Osteopathic Board of Psychiatry and Neurology to qualify for continued loan repayment assistance.

(b) To be eligible to receive loan repayment assistance as a mental health professional who first established eligibility for the program on or after September 1, 2023, a mental health provider must have completed one, two, or three consecutive years of practice:

(1) in an MHPSA providing direct patient care to Medicaid enrollees and/or CHIP enrollees, if the practice serves children, or to persons committed to a secure correctional facility operated by or under contract with the Texas Juvenile Justice Department or its successor or

in a secure correctional facility operated by or under contract with any division of the Texas Department of Criminal Justice or its successor;

(2) providing mental health services to patients in a state hospital; or

(3) to individuals receiving community-based mental health services from a local mental health authority.

(c) Notwithstanding subsection (b) of this section, to be eligible to receive loan repayment assistance as a specialist in school psychology as outlined under §23.95(6) of this subchapter (relating to Eligible Practice Specialties), the mental health professional must:

(1) have completed one, two, or three consecutive years of employment in:

(A) a school district which is located partially or completely in a MHPSA;

(B) an open-enrollment charter school located in a MHPSA; or

(C) a Title I school; and

(2) have provided mental health services to students enrolled in that district or school during that time of employment.

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

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PART 2. TEXAS EDUCATION AGENCY

CHAPTER 74. CURRICULUM REQUIREMENTS

SUBCHAPTER C. OTHER PROVISIONS

19 TAC §74.27

The State Board of Education (SBOE) adopts an amendment to §74.27, concerning innovative courses and programs. The amendment is adopted with changes to the proposed text as published in the October 13, 2023 issue of the *Texas Register* (48 TexReg 5933) and will be republished. The adopted amendment updates innovative course application and approval requirements.

REASONED JUSTIFICATION: After the SBOE adopted new rules concerning graduation requirements, the previously approved experimental courses were phased out as of August 31, 1998. Following the adoption of the Texas Essential Knowledge and Skills (TEKS), school districts now submit requests for innovative course approval for courses that do not have TEKS. The process currently outlined in §74.27 provides authority for the commissioner of education to approve discipline-based courses

but reserves for SBOE review and approval those courses that do not fall within any of the subject areas of the foundation or enrichment curriculum.

Each year, the Texas Education Agency (TEA) provides the opportunity for school districts and other entities to submit applications for proposed innovative courses. The board last amended §74.27 in November 2022 to require that an applicant for an innovative course pilot the proposed course in a Texas school prior to seeking approval from the SBOE. At the April 2023 SBOE meeting, TEA staff provided an overview of the innovative course approval process, including key data related to historical implementation of innovative courses. At the June 2023 meeting, the Committee on Instruction discussed possible amendments to §74.27. The board approved for first reading and filing authorization the proposed amendment to §74.27 at its August-September 2023 meeting.

The adopted amendment shifts from the commissioner to the SBOE the authority to approve innovative courses that fall under the foundation or enrichment curriculum, specifies the number of years for initial approval and renewal of innovative courses, and exempts career and technical education courses that support an approved program of study from the pilot requirement. It also requires TEA to conduct a periodic review of all approved innovative courses and identify courses for possible sunset in accordance with specific criteria, including student enrollment at an average of fewer than 20 districts or charter schools statewide.

The following changes were made to the rule since approved for first reading and filing authorization.

Section 74.27(a)(1) was amended by replacing the phrase "any course" with the phrase "discipline-based courses in the foundation or enrichment curriculum and courses" and by replacing the word "does" with the word "do."

Section 74.27(a)(3) was amended by striking the phrase "or the commissioner."

New §74.27(a)(3)(l) was added to state, "a copy of or electronic access to any recommended instructional resources for the course."

Section 74.27(a)(4) was amended by striking the phrase "from the commissioner."

Section 74.27(a)(9)(A) was struck, and the remaining subparagraphs were re-lettered.

Section 74.27(a)(9)(A) was amended by striking the phrase "two consecutive years of" before the phrase "zero enrollment" and by adding the phrase "for the previous two years" after the phrase "zero enrollment."

Section 74.27(a)(9)(B) was amended by adding the phrase "for the previous three years" after the word "statewide."

Section 74.27(a)(9)(C) was amended by replacing the word "available" with the phrase "student enrollment" and by adding the phrase "for the previous three years" after the word "statewide."

The SBOE approved the amendment for first reading and filing authorization at its September 1, 2023 meeting and for second reading and final adoption at its November 17, 2023 meeting.

In accordance with Texas Education Code, §7.102(f), the SBOE approved the amendment for adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2024-2025 school year. The earlier effective date

would update the requirements for the submission of innovative course applications for the 2023-2024 application cycle. The effective date is 20 days after filing as adopted with the Texas Register.

SUMMARY OF COMMENTS AND RESPONSES: The public comment period on the proposal began October 13, 2023, and ended at 5:00 p.m. on November 13, 2023. The SBOE also provided an opportunity for registered oral and written comments at its November 2023 meeting in accordance with the SBOE board operating policies and procedures. Following is a summary of the public comments received and corresponding responses.

Comment. One community member expressed concern that §74.27(b)(1) allows for ethnic studies courses, but not all ethnicities are relevant to Texas and the United States as a whole. The commenter stated that all ethnic studies courses should be banned.

Response. The SBOE disagrees and has determined that ethnic studies courses are appropriately included in §74.27(b)(1).

Comment. One administrator asked whether a career and technical education (CTE) innovative course would need to be piloted if it has been assigned to a program of study.

Response. The SBOE provides the following clarification. Proposed new §74.27(a)(6) states that the requirements for submitting data and providing evidence of successful piloting do not apply to an innovative course designed to support a program of study in CTE.

Comment. One person from out of state expressed concern that the new science textbooks under consideration for Proclamation 2024 downplay the role fossil fuels play in warming the planet's atmosphere.

Response. This comment is outside the scope of the proposed rulemaking.

STATUTORY AUTHORITY. The amendment is adopted under Texas Education Code, §28.002(f), which authorizes local school districts to offer courses in addition to those in the required curriculum for local credit and requires the State Board of Education to be flexible in approving a course for credit for high school graduation.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code, §28.002(f).

§74.27. Innovative Courses and Programs.

(a) A school district may offer innovative courses to enable students to master knowledge, skills, and competencies not included in the essential knowledge and skills of the required curriculum.

(1) The State Board of Education (SBOE) may approve discipline-based courses in the foundation or enrichment curriculum and courses that do not fall within any of the subject areas listed in the foundation and enrichment curricula when the applying school district or organization demonstrates that the proposed course is academically rigorous and addresses documented student needs.

(2) Applications shall not be approved if the proposed course significantly duplicates the content of a Texas Essential Knowledge and Skills (TEKS)-based course or can reasonably be taught within an existing TEKS-based course.

(3) To request approval from the SBOE, the applying school district or organization must submit a request for approval at least six months before planned implementation that includes:

(A) a description of the course and its essential knowledge and skills;

(B) the rationale and justification for the request in terms of student need;

(C) data that demonstrates successful piloting of the course in Texas;

(D) a description of activities, major resources, and materials to be used;

(E) the methods of evaluating student outcomes;

(F) the qualifications of the teacher;

(G) any training required in order to teach the course and any associated costs;

(H) the amount of credit requested; and

(I) a copy of or electronic access to any recommended instructional resources for the course.

(4) To request approval for a career and technical education innovative course, the applying school district or organization must submit with its request for approval evidence that the course is aligned with state and/or regional labor market data.

(5) To request approval of a new innovative course, the applying school district or organization must submit with its request for approval evidence that the course has been successfully piloted in its entirety in at least one school in the state of Texas.

(6) The requirements of paragraphs (3)(C) and (5) of this subsection do not apply to the consideration of a course developed to support a program of study in career and technical education.

(7) Newly approved innovative courses shall be approved for a period of three years, and courses approved for renewal shall be approved for a period of five years.

(8) With the approval of the local board of trustees, a school district may offer, without changes or deletions to content, any state-approved innovative course.

(9) Texas Education Agency shall review all approved innovative courses once every two years and provide for consideration for sunset a list of innovative courses that meet the following criteria:

(A) zero enrollment for the previous two years;

(B) average enrollment of less than 100 students statewide for the previous three years;

(C) student enrollment at an average of fewer than 20 districts or charter schools statewide for the previous three years;

(D) duplicative of another innovative or TEKS-based course; or

(E) approved for implementation as a TEKS-based course.

(b) An ethnic studies course that has been approved by the SBOE as an innovative course shall be considered by the SBOE at a subsequent meeting for inclusion in the TEKS.

(1) Only comprehensive ethnic studies courses in Native American studies, Latino studies, African American studies, and/or Asian Pacific Islander studies, inclusive of history, government, economics, civic engagement, culture, and science and technology, shall be considered by the SBOE.

(2) The chair of the Committee on Instruction, in accordance with SBOE Operating Rule 2.5(b), shall collaborate with the board chair to place the item on the next available Committee on Instruction agenda following SBOE approval of the innovative course.

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 January 29, 2024.

TRD-202400318

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Director, Rulemaking

Texas Education Agency

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

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**CHAPTER 127. TEXAS ESSENTIAL
KNOWLEDGE AND SKILLS FOR CAREER
DEVELOPMENT AND CAREER AND
TECHNICAL EDUCATION**

The State Board of Education (SBOE) adopts new §§127.19 - 127.22, and 127.275 - 127.278, concerning Texas Essential Knowledge and Skills (TEKS) for career development and career and technical education (CTE). Section 127.19 is adopted without changes to the proposed text as published in the October 10, 2023, issue of the *Texas Register* (48 TexReg 5936) and will not be republished. Sections 127.20 - 127.22 and 127.275 - 127.278 are adopted with changes to the proposed text as published in the October 10, 2023, issue of the *Texas Register* (48 TexReg 5936) and will be republished. The adoption updates the TEKS to ensure the content of the courses remains current and adds TEKS for two new courses in entrepreneurship to support relevant and meaningful programs of study.

REASONED JUSTIFICATION: In accordance with statutory requirements that the SBOE identify by rule the essential knowledge and skills of each subject in the required curriculum, the SBOE follows a board-approved cycle to review and revise the essential knowledge and skills for each subject.

At the November 2022 meeting, the SBOE approved a timeline for the review of CTE courses for 2022-2025. Also at the meeting, the SBOE approved a specific process to be used in the review and revision of the CTE TEKS. The CTE-specific process largely follows the process for TEKS review for other subject areas but was adjusted to account for differences specific to CTE. The 2022-2025 CTE cycle identifies two reviews, beginning with the winter 2023 review of a small group of courses in career preparation and entrepreneurship. An abbreviated version of the new CTE TEKS review process was used for the winter 2023 review. The second review in the 2022-2025 CTE TEKS review cycle began in summer 2023. The complete CTE TEKS review process is being used for the summer 2023 CTE TEKS review.

Applications to serve on the winter 2023 CTE TEKS review work groups were collected by the Texas Education Agency (TEA) from November 2022 through January 2023. TEA staff provided SBOE members with batches of applications for approval

to serve on a CTE work group in November 2022 and in January 2023. Work groups were convened to develop recommendations for the CTE courses in February, March, April, July, and August 2023.

The adopted new CTE TEKS ensure the standards for the career preparation and entrepreneurship courses included in the winter 2023 CTE TEKS review are up to date.

The following changes were made to the rules since approved for first reading and filing authorization.

The course title for §127.20 was renamed "Career Preparation General."

Section 127.20(b) was amended by replacing the phrase "Level 2 or higher" with the phrase "credit in a" and replacing the sentence "For this course to satisfy a Level IV requirement as part of a student's program of study, the employment experience must be related to the student's program of study" with the sentence "This course may be related to or outside the student's program of study."

New paragraph (1) was added to §127.20(b) to state, "A student may repeat this course one time for credit provided that the student is experiencing different aspects of an industry and demonstrating proficiency in additional and more advanced knowledge and skills."

New paragraph (2) was added to §127.20(b) to state, "A student may not earn more than six credits for any combination of career preparation courses selected from Career Preparation General, Career Preparation for Programs of Study, and Extended Career Preparation."

Section 127.20(c)(3) was amended by replacing the roman numeral "I" with the word "General."

A new student expectation was added to §127.20(d)(1) to state, "describe the benefits of having a job and being self-sufficient."

The student expectation in §127.20(d)(2)(B) was amended by adding "working hard, respecting authority" to the list of ways students can demonstrate professionalism.

The student expectation in §127.20(d)(3)(E) was amended by adding the phrase "Federal Insurance Contributions Act (FICA)" before the word "deductions."

A new student expectation was added to §127.20(d)(3) to state, "explain how debt affects financial stability."

The course title in §127.21 was renamed "Career Preparation for Programs of Study."

Section 127.21(b) was amended by replacing the phrase "Career Preparation I" with the phrase "at least one Level 2 or higher career and technical education course."

New paragraph (1) was added to §127.21(b) to state, "A student's employment experience connected with this course must be related to the student's program of study."

New paragraph (2) was added to §127.21(b) to state, "A student may repeat this course one time for credit provided that the student is experiencing different aspects of an industry and demonstrating proficiency in additional and more advanced knowledge and skills."

New paragraph (3) was added to §127.21(b) to state, "A student may not earn more than six credits for any combination of career preparation courses selected from Career Preparation General,

Career Preparation for Programs of Study, and Extended Career Preparation."

Section 127.21(c)(3) was amended by replacing the roman numeral "II" with the phrase "for Programs of Study" before the phrases "provides additional opportunities" and "expands on Career Preparation," by replacing the phrase "that may be outside" with the phrase "which must be related to," and by replacing the roman numeral "I" with the word "General."

A new student expectation was added to §127.21(d)(1) to read, "describe how having a job can lead to a career and self-sufficiency."

A second new student expectation was added to §127.21(d)(1) to read, "identify and explain work-based benefits such as health insurance, direct deposit, and retirement contributions."

The student expectation in §127.21(d)(2)(F) was amended by adding the phrase "working hard, respecting authority" after the phrase "being dependable."

The student expectation in §127.21(d)(3)(B) was amended by replacing the phrase "an occupational area of interest" with the phrase "careers within a selected program of study."

The student expectation in §127.21(d)(4)(E) was amended by adding the phrase "related to a selected program of study" after the word "activities."

The student expectation in §127.21(d)(5)(C) was amended by replacing the phrase "chosen career cluster" with the phrase "selected program of study."

The student expectation in §127.21(d)(6)(E) was amended by replacing the word "within" with the word "in" and replacing the phrase "chosen career cluster" with the phrase "career within a selected program of study."

The student expectation in §127.21(d)(7)(A) was amended by adding the phrase "within a selected program of study" after the phrase "chosen career."

The knowledge and skills statement in §127.21(d)(8) was amended by adding the phrase "within a selected program of study" after the word "opportunities."

The student expectation in §127.21(d)(8)(B) was amended by adding the phrase "within a selected program of study" after the phrase "job growth."

The student expectation in §127.21(d)(8)(D) was amended by adding the phrase "within a selected program of study" after the phrase "future careers."

The student expectation in §127.21(d)(8)(E) was amended by replacing the phrase "in an occupational area of interest" with the phrase "related to a selected program of study."

The general requirements in §127.22(b) were amended by replacing the course names "Career Preparation I" and "Career Preparation II" with the new course names "Career Preparation General" and "Career Preparation for Programs of Study."

The general requirements in §127.22(b) were amended by striking the sentence "A student may repeat this course once for credit provided that the student is demonstrating proficiency in additional and more advanced knowledge and skills."

New paragraph (1) was added to §127.22(b) to state, "A student may repeat this course one time for credit provided that the student is experiencing different aspects of an industry and demon-

strating proficiency in additional and more advanced knowledge and skills."

New paragraph (2) was added to §127.22(b) to state, "A student may not earn more than six credits for any combination of career preparation courses selected from Career Preparation General, Career Preparation for Programs of Study, and Extended Career Preparation."

Section 127.22(c)(3) was amended by replacing the roman numeral "I" with the word "General" and the roman numeral "II" with the phrase "for Programs of Study."

The student expectation in §127.22(d)(2) was amended by adding the phrase "patience, kindness, respecting authority" after the word "initiative."

The student expectation in §127.275(d)(1)(F) was amended by adding the phrase "working hard, respecting authority" after the word "including."

A new student expectation was added to §127.275(d)(1) to read, "demonstrate virtues, including trustworthiness, responsibility, and good citizenship."

The knowledge and skills statement in §127.275(d)(3) was amended by adding the phrase "limited liability corporations" before the word "franchises" and adding the phrase "limited partnerships" before the phrase "and sole proprietorships."

The student expectation in §127.275(d)(3)(A) was amended by replacing the phrase "each business structure" with the phrase "corporations, limited liability corporations, franchises, partnerships, limited partnerships, and sole proprietorships."

The student expectation in §127.275(d)(5)(A) was amended by adding the phrase "and market research" after the phrase "ideation process."

A new student expectation was added to §127.275(d)(5) to read, "determine the feasibility of a solution by performing a features-benefits-value analysis."

The student expectation in §127.275(d)(6)(B) was amended by adding the phrase "and explain how to generate various revenue streams" before the phrase "for a business."

The student expectation in §127.275(d)(6)(L) was amended by adding the phrase "and describe how they may vary by industry" after the phrase "key performance metrics."

The student expectation in §127.276(d)(1)(B) was amended by deleting the word "and" and adding the phrase "and project management tools" after the phrase "task list."

The student expectation in §127.276(d)(1)(G) was amended by adding the phrase "working hard, respecting authority, and" before the phrase "using feedback."

A new student expectation was added to §127.276(d)(1) to read, "demonstrate virtues, including trustworthiness, responsibility, and good citizenship."

A new student expectation was added to §127.276(d)(2) to read, "analyze opportunity costs for a given business example."

A new student expectation was added to §127.276(d)(3) to read, "research, develop, and implement focus group questions for a specific customer segment."

Amendments were made to re-letter §127.276(d)(3)(D) and §127.276(d)(3)(E) to §127.276(d)(3)(E) and §127.276(d)(3)(F), respectively.

The student expectation in §127.276(d)(8)(C) was amended by adding the phrase "and interrelationship between financial statement, including" before the phrase "a profit and loss statement."

The student expectation in §127.277(d)(1)(C) was amended by adding the phrase "and constructive dialogue" after the word "teamwork."

The student expectation in §127.277(d)(2)(C) was amended by replacing the word "scenario" with the phrase "business example."

A new student expectation was added to §127.277(d)(2) to read, "analyze how psychology and sociology explain factors that drive customer behavior and impact business success."

The student expectation in §127.278(d)(1)(C) was amended by adding the phrase "diligence, perseverance" after the phrase "such as."

The SBOE approved the new rules for first reading and filing authorization at its September 1, 2023 meeting and for second reading and final adoption at its November 17, 2023 meeting.

In accordance with Texas Education Code, §7.102(f), the SBOE approved the new rules for adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2024-2025 school year. The earlier effective date will enable districts to begin preparing for implementation of the revised career preparation and entrepreneurship TEKS. The effective date is 20 days after filing as adopted with the Texas Register.

SUMMARY OF COMMENTS AND RESPONSES: The public comment period on the proposal began October 13, 2023, and ended at 5:00 p.m. on November 13, 2023. The SBOE also provided an opportunity for registered oral and written comments at its November 2023 meeting in accordance with the SBOE board operating policies and procedures. Following is a summary of the public comments received and corresponding responses.

Comment. One administrator stated that proposed new §127.19, Career and Technical Education Project-Based Capstone, should be added to every CTE program of study so multiple disciplines can collaborate to complete a campus- or district-wide project.

Response. This comment is outside the scope of the proposed rulemaking.

Comment. Two administrators stated that teacher shortages require districts to offer career preparation courses so that one teacher can serve students from multiple career clusters.

Response. This comment is outside the scope of the proposed rulemaking.

Comment. One administrator stated that the proposed new career preparation TEKS seem more like the proposed new Career and Technical Education Project-Based Capstone course than career preparation courses.

Response. The SBOE disagrees and has determined that the proposed new career preparation TEKS appropriately support career skills and are distinct from the Career and Technical Education Project-Based Capstone TEKS.

Comment. One community member stated the proposed career preparation courses do not include any description of how ethnicity, race, and gender can be used to discriminate against individuals when applying for jobs, business loans, or contracting

jobs for the government. The commenter added that students need to be aware of how prejudices may be used against them.

Response. The SBOE disagrees that the content should be added and has determined that the career preparation TEKS appropriately address interpersonal skills. In response to other comments, the SBOE also took action to approve additional changes to the career preparation TEKS, including renaming the courses.

Comment. Two administrators stated that the proposed language in §127.20(b) for Career Preparation I that would require a student's employment experience be related to the student's program of study contradicts language in the introduction in §127.20(c)(3) that states that employment experiences may be outside the student's current program of study.

Response. The SBOE agrees and took action to revise the language in the general requirements in §127.20(b) to read, "This course is recommended for students in Grades 11 and 12. Recommended prerequisite: at least one credit in a career and technical education course. Students shall be awarded two credits for successful completion of this course. This course may be related to or outside the student's program of study." In response to other comments, the SBOE also took action to approve additional changes to the career preparation TEKS, including renaming the courses.

Comment. One teacher stated that districts should aim for students taking the Career Preparation I course to work in their chosen program of study, but there must also be an alternate plan for when this is not an option.

Response. The SBOE agrees and took action to revise the language in the general requirements in §127.20(b) to read, "This course is recommended for students in Grades 11 and 12. Recommended prerequisite: at least one credit in a career and technical education course. Students shall be awarded two credits for successful completion of this course. This course may be related to or outside the student's program of study." In response to other comments, the SBOE also took action to approve additional changes to the career preparation TEKS, including renaming the courses.

Comment. One administrator recommended that if the requirement to align a student's employment experience to the student's program of study must be included, it should be removed from Career Preparation I and added as a requirement for §127.21, Career Preparation II, and §127.22, Extended Career Preparation.

Response. The SBOE agrees that requiring the student's work experience to be related to their program of study is more appropriate for the proposed Career Preparation II course. In response to this and other comments, the SBOE took action to retitle Career Preparation I as Career Preparation General and revised the language in the general requirements in §127.20(b) to read, "This course may be related to or outside the student's program of study." The SBOE also took action to retitle Career Preparation II as Career Preparation for Programs of Study and revised the language in the general requirements in §127.21(b) to read, "A student's employment experience connected with this course must be related to the student's program of study."

Comment. One administrator stated that requiring a student's employment experience to be related to the student's program of study in order for Career Preparation I to satisfy a Level 4 requirement is not equitable with other college readiness indica-

tors. The commenter stated that schools can check the college, career, and military readiness indicator box based on a student's college entrance exam score without accountability for whether the student attends college after graduation. The commenter added that there is also no requirement for a student's dual credit or Advanced Placement courses to be aligned with a student's program of study.

Response. This comment is outside the scope of the proposed rulemaking.

Comment. Seventeen administrators, three teachers, two counselors, and one community member expressed opposition to the proposed requirement in Career Preparation I that a student's employment experience must be related to their program of study in order for the course to satisfy a Level 4 requirement. The commenters stated that the requirement may impose significant job limitations on students pursuing programs of study in certain fields.

Response. The SBOE agrees that requiring the student's work experience to be related to their program of study is not appropriate for the proposed Career Preparation I course. In response to this and other comments, the SBOE took action to retitle Career Preparation I as Career Preparation General and revised the language in the general requirements in §127.20(b) to read, "This course may be related to or outside the student's program of study." The SBOE also took action to retitle Career Preparation II as Career Preparation for Programs of Study and revised the language in the general requirements in §127.21(b) to read, "A student's employment experience connected with this course must be related to the student's program of study."

Comment. Twelve administrators, two counselors, two community members, and one teacher stated that the impact of requiring students to complete work experiences related to their program of study as part of Career Preparation I would be pronounced in rural areas. The commenters explained that job opportunities in rural areas are non-existent or quickly filled and are competed for by students from neighboring districts.

Response. The SBOE agrees that requiring the student's work experience to be related to their program of study is not appropriate for the proposed Career Preparation I course. In response to this and other comments, the SBOE took action to retitle Career Preparation I as Career Preparation General and revised the language in the general requirements in §127.20(b) to read, "This course may be related to or outside the student's program of study." The SBOE also took action to retitle Career Preparation II as Career Preparation for Programs of Study and revised the language in the general requirements in §127.21(b) to read, "A student's employment experience connected with this course must be related to the student's program of study."

Comment. Nine administrators, one teacher, and one counselor stated that requiring a student's employment experience for Career Preparation I to be related to their program of study for it to count as a Level 4 course is unfair to students who do not live in areas that have access to employment that aligns to the student's program of study and accepts high school students.

Response. The SBOE agrees that requiring the student's work experience to be related to their program of study is not appropriate for the proposed Career Preparation I course. In response to this and other comments, the SBOE took action to retitle Career Preparation I as Career Preparation General and revised the language in the general requirements in §127.20(b) to read, "This course may be related to or outside the student's program

of study." The SBOE also took action to retitle Career Preparation II as Career Preparation for Programs of Study and revised the language in the general requirements in §127.21(b) to read, "A student's employment experience connected with this course must be related to the student's program of study."

Comment. Six administrators and one counselor expressed concern that there is no standard provided for determining whether a student's employment experience or internship for Career Preparation I is related to the student's program of study.

Response. This comment is outside the scope of the proposed rulemaking.

Comment. Nine administrators, two teachers, two counselors, and one community member stated that requiring a student's employment experience for Career Preparation I to be related to their program of study does not take into consideration economically challenged students who are working to help support their families. The commenters stated this requirement would eliminate opportunities to earn high school credit for students who need to work.

Response. The SBOE agrees that requiring the student's work experience to be related to their program of study is not appropriate for the proposed Career Preparation I course. In response to this and other comments, the SBOE took action to retitle Career Preparation I as Career Preparation General and revised the language in the general requirements in §127.20(b) to read, "This course may be related to or outside the student's program of study." The SBOE also took action to retitle Career Preparation II as Career Preparation for Programs of Study and revised the language in the general requirements in §127.21(b) to read, "A student's employment experience connected with this course must be related to the student's program of study."

Comment. One university representative stated that job and internship experiences not directly related to a student's program of study still add value to a student's educational portfolio and that students should be incentivized to work.

Response. The SBOE agrees. In response to this and other comments, the SBOE took action to retitle Career Preparation I as Career Preparation General and revised the language in the general requirements in §127.20(b) to read, "This course may be related to or outside the student's program of study." The SBOE also took action to retitle Career Preparation II as Career Preparation for Programs of Study and revised the language in the general requirements in §127.21(b) to read, "A student's employment experience connected with this course must be related to the student's program of study."

Comment. Eleven administrators and one teacher stated that Career Preparation I should be about soft skills such as discipline, responsibility, timeliness, and dedication that can be developed, practiced, and observed in any employment experience or career field.

Response. The SBOE agrees and has determined that the proposed new TEKS appropriately address soft skills.

Comment. One teacher stated that helping students find jobs has increasingly been difficult and it would be very hard for a student, much less a teacher, to find the right job that matches the student's program of study.

Response. The SBOE disagrees and has determined that it is appropriate for one of the career preparation courses to require a student's employment experience to be related to the student's

program of study to count as a Level 4 course. In response to this and other comments, the SBOE took action to retitle Career Preparation I as Career Preparation General and revised the language in the general requirements in §127.20(b) to read, "This course may be related to or outside the student's program of study." The SBOE also took action to retitle Career Preparation II as Career Preparation for Programs of Study and revised the language in the general requirements in §127.21(b) to read, "A student's employment experience connected with this course must be related to the student's program of study."

Comment. Ten administrators, one teacher, and one community member emphasized the need for a flexible approach in Career Preparation I to ensure that students can benefit from diverse work experiences regardless of their program of study or geographical location.

Response. The SBOE agrees that requiring the student's work experience to be related to their program of study is not appropriate for the proposed Career Preparation I course. In response to this and other comments, the SBOE took action to retitle Career Preparation I as Career Preparation General and revised the language in the general requirements in §127.20(b) to read, "This course may be related to or outside the student's program of study." The SBOE also took action to retitle Career Preparation II as Career Preparation for Programs of Study and revised the language in the general requirements in §127.21(b) to read, "A student's employment experience connected with this course must be related to the student's program of study."

Comment. Seven administrators, two counselors, two community members, and one university representative stated that if Career Preparation I is not available to students as it is currently, districts could see a decline in CTE completers and a decrease in CTE funding.

Response. This comment is outside the scope of the proposed rulemaking.

Comment. One administrator asked if the weighted funding for proposed new §127.20, Career Preparation I, would be different for a student taking it as a Level 4 course in a program of study than funding for a student who is not taking the course as part of a program of study.

Response. This comment is outside the scope of the proposed rulemaking.

Comment. One teacher stated that being a pathway completer should not be taken away from students because they work for a company that does not fall into their program of study.

Response. This comment is outside the scope of the proposed rulemaking. The SBOE also provides the following clarification. A CTE completer is defined as a student who has successfully completed three or more CTE courses within a program of study for a total of four or more credits, including one Level 3 or Level 4 course from within the same program of study.

Comment. One administrator stated that the proposal to require that students' work experience be related to their program of study would limit the number of students who would want or need to take the course.

Response. The SBOE disagrees and has determined that it is appropriate to have a career preparation course that requires a student's employment experience to be related to the student's program of study. In response to this and other comments, however, the SBOE took action to retitle Career Preparation I as Ca-

reer Preparation General and revised the language in the general requirements in §127.20(b) to read, "This course may be related to or outside the student's program of study." The SBOE also took action to retitle Career Preparation II as Career Preparation for Programs of Study and revised the language in the general requirements in §127.21(b) to read, "A student's employment experience connected with this course must be related to the student's program of study."

Comment. One counselor expressed concern that schools will lose a tool for keeping students in school if a student's employment experience for Career Preparation I must be related to the student's program of study.

Response. The SBOE agrees that requiring the student's work experience to be related to their program of study is not appropriate for the proposed Career Preparation I course. In response to this and other comments, the SBOE took action to retitle Career Preparation I as Career Preparation General and revised the language in the general requirements in §127.20(b) to read, "This course may be related to or outside the student's program of study." The SBOE also took action to retitle Career Preparation II as Career Preparation for Programs of Study and revised the language in the general requirements in §127.21(b) to read, "A student's employment experience connected with this course must be related to the student's program of study."

Comment. One administrator stated that Texas has increasingly pushed students into focused areas of study making it more difficult for students to sample the vast number of career options during their time in high school.

Response. This comment is outside the scope of the proposed rulemaking.

Comment. One administrator and one teacher requested that the board allow students in Career Preparation I the option to work in areas outside their program of study and for these students' enrollment to be counted as a Level 4 course.

Response. The SBOE agrees that requiring the student's work experience to be related to their program of study is not appropriate for the proposed Career Preparation I course. In response to this and other comments, the SBOE took action to retitle Career Preparation I as Career Preparation General and revised the language in the general requirements in §127.20(b) to read, "This course may be related to or outside the student's program of study." The SBOE also took action to retitle Career Preparation II as Career Preparation for Programs of Study and revised the language in the general requirements in §127.21(b) to read, "A student's employment experience connected with this course must be related to the student's program of study."

Comment. One administrator asked how districts would report and how TEA would monitor that a student's employment experience for Career Preparation I is related to the student's program of study. The commenter asked if there would be a separate service ID in the Public Education Information Management System (PEIMS) to code students who take the course to develop employability skills and are not enrolled in a CTE program of study.

Response. This comment is outside the scope of the proposed rulemaking.

Comment. One administrator asked how it would be reported if a student in Career Preparation I changed their place of employment within the time period provided in the Student Attendance Accounting Handbook.

Response. This comment is outside the scope of the proposed rulemaking.

Comment. One administrator stated that the updated entrepreneurship TEKS look good and are comprehensive.

Response. The SBOE agrees and took action to adopt the proposed new entrepreneurship TEKS.

Comment. One teacher stated that overall the entrepreneurship TEKS seem excellent.

Response. The SBOE agrees and took action to adopt the proposed new entrepreneurship TEKS.

Comment. One representative from business and industry stated that there needs to be a strong emphasis on the sales component of entrepreneurship, including selling services and products to clients, selling concepts to investors, and selling a business idea to employees and partners.

Response. The SBOE agrees and has determined that the entrepreneurship TEKS appropriately address sales.

Comment. One administrator recommended the implementation of the entrepreneurship TEKS align with a proclamation because smaller school districts may need a year to plan and find instructional materials.

Response. The SBOE disagrees and has determined that the proposed new entrepreneurship TEKS would be implemented beginning with the 2024-2025 school year.

Comment. One teacher recommended adding limited liability company (LLC) to the knowledge and skills statement in §127.275(d)(3) in Entrepreneurship I. The commenter explained that the LLC structure is an extremely common form of ownership and should be considered if starting a new business.

Response. The SBOE agrees and took action to amend §127.275(d)(3) to read, "The student researches corporations, limited liability corporations, franchises, partnerships, limited partnerships, and sole proprietorships to understand business structures." Additionally, the SBOE took action to amend §127.275(d)(3)(A) to read, "evaluate the advantages and disadvantages involved with the ownership of corporations, limited liability corporations, franchises, partnerships, limited partnerships, and sole proprietorships, including control, tax implications, risk, and liability."

Comment. One representative from business and industry stated the proposed student expectation in §127.275(d)(5)(A) in Entrepreneurship I, which would require students to identify and analyze problems in the marketplace through an ideation process, is not sufficient. The commenter explained that students need to understand the basic concepts of market research and to determine the feasibility of a solution through the features-benefits-value format.

Response. The SBOE agrees and took action to amend §127.275(d)(5)(A) to read, "identify and analyze problems in the marketplace through an ideation process and market research." The SBOE also took action to add new §127.275(d)(5)(C) to read, "determine the feasibility of a solution by performing a features-benefits-value analysis."

Comment. One representative from business and industry stated that proposed §127.275(d)(6)(B) in Entrepreneurship I, which would require students to identify possible diversified revenue streams for a business, needs to include a list of ways

to obtain revenue, including direct sales, subscriptions, leases, and more.

Response. The SBOE agrees and took action to amend §127.275(d)(6)(B) to read, "identify possible diversified revenue streams and explain how to generate various revenue streams for a business."

Comment. One representative from business and industry stated that proposed §127.275(d)(6)(J) in Entrepreneurship I, which would require students to define and explain a competitive analysis, should include that students conduct a basic competitive analysis using the strengths, weaknesses, opportunities, and threats (SWOT) analysis format.

Response. The SBOE disagrees and has determined that the additional language is unnecessary as SWOT analysis is included in §127.276(d)(3)(E) in Entrepreneurship II.

Comment. One representative from business and industry stated that proposed §127.275(d)(6)(L) in Entrepreneurship I should require students to understand how key performance metrics vary by industry.

Response. The SBOE agrees and took action to amend §127.275(d)(6)(L) to read, "identify and define key performance metrics and describe how they may vary by industry."

Comment. One representative from business and industry stated that to address proposed §127.275(d)(9)(A) in Entrepreneurship I, which would require students to identify and explain the components of a pitch, students should receive a unified format in which to base their presentation.

Response. The SBOE provides the following clarification. Texas Education Code (TEC), §28.002(i), states that the SBOE may not adopt rules that designate the methodology used by a teacher.

Comment. One representative from business and industry stated that proposed §127.275(d)(10)(B) in Entrepreneurship I should require students to understand how each of the organizations listed can help a specific business. The commenter recommended that students develop scenarios for different types of industries on the best fit of the various services.

Response. The SBOE provides the following clarification. TEC, §28.002(i), states that the SBOE may not adopt rules that designate the methodology used by a teacher.

Comment. One representative from business and industry expressed support for proposed SEs in Entrepreneurship I related to identifying a real problem or market need and identifying a solution.

Response. The SBOE agrees and took action to adopt the proposed new entrepreneurship TEKS.

Comment. One representative from business and industry expressed support for culminating Entrepreneurship I with a pitch for a business or product.

Response. The SBOE agrees and took action to adopt the proposed new entrepreneurship TEKS.

Comment. One representative from business and industry expressed support for proposed §127.275(d)(7)(A) in Entrepreneurship I that introduces students to the business planning tool Business Model Canvas.

Response. The SBOE agrees and took action to adopt the proposed new entrepreneurship TEKS.

Comment. One representative from business and industry stated that proposed §127.276(d)(1)(B) in Entrepreneurship II should include a wide array of applications and digital tools for developing task lists.

Response. The SBOE agrees and took action to amend §127.276(d)(1)(B) to read, "demonstrate a productive work ethic by using a personal calendar, task list, and project management tools."

Comment. One representative from business and industry stated that proposed §127.276(d)(2)(E) in Entrepreneurship II should include the consideration of opportunity costs.

Response. The SBOE agrees and took action to add new §127.276(d)(2)(F) to read, "analyze opportunity costs for a given business example."

Comment. One representative from business and industry stated that proposed §127.276(d)(3)(A) in Entrepreneurship II, which would require students to identify and analyze problems in the marketplace through an ideation process, is not sufficient. The commenter explained that students need to understand the basic concepts of market research and to determine the feasibility of a solution through the features-benefits-value format.

Response. The SBOE disagrees and has determined that the language in §127.276(d)(3) is appropriate as proposed.

Comment. One representative from business and industry stated that proposed §127.276(d)(3)(E) in Entrepreneurship II needs to include students developing and implementing focus groups, interviews, and questionnaires.

Response. The SBOE agrees and took action to add new §127.276(d)(3)(D) to read, "research, develop, and implement focus group questions for a specific customer segment."

Comment. One representative from business and industry suggested that proposed §127.276(d)(8)(C) in Entrepreneurship II should require students to use business case scenarios to understand how financial statements work together and how transactions impact all financial statements.

Response. The SBOE agrees and took action to amend §127.276(d)(8)(C) to read, "explain the importance of and interrelationship between financial statements, including a profit and loss statement, balance sheet, and statement of cash flow."

Comment. One representative from business and industry suggested that proposed §127.276(d)(9)(C) in Entrepreneurship II, which would require students to determine the types of licenses a start-up business might be required to obtain, include a business license, employer identification number, name registry, professional license, and occupational license.

Response. The SBOE provides the following clarification. The proposed student expectation in §127.276(d)(9)(C) addresses each of the suggested licenses.

Comment. One representative from business and industry recommended that Entrepreneurship II include the concept of royalties as they pertain to the commercialization of intellectual property.

Response. The SBOE disagrees that the additional content is necessary and has determined that the TEKS are appropriate as proposed.

Comment. One representative from business and industry recommended that proposed §127.276(d)(11)(B) in Entrepreneurship II include the Myers-Briggs and Social Styles assessments.

Response. The SBOE disagrees that the additional content is necessary and has determined that §127.276(d)(11)(B) is appropriate as proposed.

Comment. One representative from business and industry recommended that proposed §127.276(d)(15)(C) in Entrepreneurship II require the identification of key metrics by industry so students understand best practices for specific businesses.

Response. The SBOE disagrees that the additional content is necessary and has determined that §127.276(d)(15)(C) is appropriate as proposed.

Comment. One representative from business and industry expressed support for §127.276(d)(2)(D) in Entrepreneurship II that requires students to define scaling as it applies to growing a business.

Response. The SBOE agrees and took action to adopt the proposed new entrepreneurship TEKS.

Comment. One representative from business and industry suggested that, in addition to §127.276(d)(12)(A) related to creating and justifying a pricing structure for a start-up business, students should also be required to compare various pricing models and revenue models, including one-time purchases versus recurring revenue models.

Response. The SBOE disagrees and has determined that §127.276(d)(12)(A) is appropriate as proposed.

Comment. One representative from business and industry stated that there is not enough emphasis on understanding sociology and psychology in the Practicum in Entrepreneurship course as proposed. The commenter explained that sociology and psychology are two of the most significant elements of entrepreneurship and the driving factors of consumer behavior and business success.

Response. The SBOE agrees and took action to add new §127.277(d)(2)(J) to read, "analyze how psychology and sociology explain factors that drive customer behavior and impact business success."

Comment. One administrator expressed support for the proposal to revise and approve the innovative course Practicum of Entrepreneurship as a new TEKS-based course.

Response. The SBOE agrees and took action to adopt the proposed new TEKS for Practicum in Entrepreneurship.

Comment. One administrator stated that the public should be provided with guidance on the following statement found in both §127.277, Practicum of Entrepreneurship, and §127.278, Extended Practicum of Entrepreneurship: "This course can serve in multiple career and technical education (CTE) programs of study." The commenter explained that there is a list of the programs of study in which these courses can serve and those programs should be identified in the TEKS for clarity.

Response. The SBOE disagrees that programs of study should be listed in the TEKS as programs of study will likely change more frequently than the standards.

Comment. One administrator suggested that the proposed new Practicum of Entrepreneurship and Extended Practicum of Entrepreneurship courses should serve in all CTE programs of

study because entrepreneurship is not limited to any one career cluster.

Response. This comment is outside the scope of the proposed rulemaking.

Comment. One administrator stated the changes proposed to career preparation and entrepreneurship TEKS would enrich and expand the CTE experience for students and allow students to be even more college and career ready and prepared to compete in the global marketplace.

Response. The SBOE agrees and took action to adopt the proposed new career preparation and entrepreneurship TEKS as amended.

SUBCHAPTER B. HIGH SCHOOL

19 TAC §§127.19 - 127.22

STATUTORY AUTHORITY. The new sections are adopted under Texas Education Code (TEC), §7.102(c)(4), which requires the State Board of Education (SBOE) to establish curriculum and graduation requirements; TEC, §28.002(a), which identifies the subjects of the required curriculum; TEC, §28.002(c), which requires the SBOE to identify by rule the essential knowledge and skills of each subject in the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials and addressed on the state assessment instruments; and TEC, §28.025(a), which requires the SBOE to determine by rule the curriculum requirements for the foundation high school graduation program that are consistent with the required curriculum under TEC, §28.002.

CROSS REFERENCE TO STATUTE. The new sections implement Texas Education Code, §§7.102(c)(4), 28.002(a) and (c), and 28.025(a).

§127.20. *Career Preparation General (Two Credits), Adopted 2023.*

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2024-2025 school year.

(b) General requirements. This course is recommended for students in Grades 11 and 12. Recommended prerequisite: at least one credit in a career and technical education course. Students shall be awarded two credits for successful completion of this course. This course may be related to or outside the student's program of study.

(1) A student may repeat this course one time for credit provided that the student is experiencing different aspects of an industry and demonstrating proficiency in additional and more advanced knowledge and skills.

(2) A student may not earn more than six credits for any combination of career preparation courses selected from Career Preparation General, Career Preparation for Programs of Study, and Extended Career Preparation.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.

(2) Career planning is a critical step and is essential to success. Applying to multiple career and technical education clusters, the career preparation courses provide students with a framework for current employment and future career opportunities to become productive and contributing members of society.

(3) Career Preparation General provides opportunities for students to participate in a work-based learning environment that incorporates continuous collaborative feedback between the employer, teacher, and student. This course combines classroom instruction with business and industry employment experiences that may be outside the student's current program of study. The goal is for students to obtain entry-level employment developing a variety of skills for obtaining and maintaining employment. Career preparation is relevant and rigorous, supports student attainment of academic standards, and effectively prepares students for college and career success.

(4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.

(5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(d) Knowledge and skills.

(1) The student demonstrates professional employability skills to gain an entry-level position. The student is expected to:

(A) identify different methods to gain employment such as employer websites, job search engines, business locations, networking, and local open forums for job opportunities;

(B) identify and demonstrate essential workplace skills such as eye contact, professional greetings, punctuality, appropriate dress, and effective communication to gain employment;

(C) develop a cover letter and create a resume, curriculum vitae (CV), or portfolio;

(D) demonstrate proper interview techniques in a variety of situations;

(E) create pre-employment documents, including thank you letters, and post-employment documents, including a resignation letter with customary notice provisions;

(F) complete appropriate employment documents, including application, offer letter, I-9 form, and W-4 form; and

(G) describe the benefits of having a job and being self-sufficient.

(2) The student develops essential skills necessary for success in the workplace. The student is expected to:

(A) identify and model appropriate hygiene, grooming, and attire for various workplaces;

(B) demonstrate professionalism by being dependable, working hard, respecting authority, solving problems, taking initiative, communicating effectively, listening actively, and resolving conflicts;

(C) model appropriate workplace etiquette in physical and digital environments;

(D) demonstrate accountability by working with other employees to support the organization, completing assigned tasks and taking responsibility for mistakes; and

(E) demonstrate time management, including prioritizing work to fulfill responsibilities and meeting deadlines.

(3) The student applies academic skills to the workplace. The student is expected to:

(A) apply appropriate industry-specific mathematical skills;

(B) develop and analyze a personal budget for a variety of economic situations such as part-time and full-time employment;

(C) interpret data from industry-specific tables, charts, and graphs to find solutions to problems;

(D) organize, write, and curate industry-specific documents and electronic communication using appropriate language;

(E) interpret and calculate information included in an earnings statement, including wages, Federal Insurance Contributions Act (FICA) deductions, taxes, and other benefits such as tips earned; and

(F) explain how debt affects financial stability.

(4) The student exemplifies appropriate interpersonal skills in the workplace. The student is expected to:

(A) explain how interpersonal skills affect human relations on the job;

(B) differentiate between characteristics of successful and non-successful working relationships;

(C) explain the importance of respecting the rights of others;

(D) explain how different personalities, experiences, and workstyles of employees can affect the workplace; and

(E) demonstrate professional verbal and nonverbal communication, including proper phone usage, body language, and interactions with customers and coworkers in person and online.

(5) The student applies ethical codes of conduct and legal responsibilities within school and the workplace. The student is expected to:

(A) research and explain workplace policies and procedures related to absence reporting, employee theft, sexual harassment, recognized holidays, workplace safety, acceptable use policy, jury duty, attendance and punctuality, drug-free workplace, and related consequences;

(B) demonstrate responsible behavior by following applicable workplace and school codes of conduct with integrity;

(C) discuss the importance of ethical behavior in the workplace such as treating others with respect, being honest, working to full potential, and developing a quality work product;

(D) summarize the importance of the Fair Labor Standards Act;

(E) describe the potential consequences of violating privacy laws related to Family Educational Rights and Privacy Act (FERPA), Health Insurance Portability and Accountability Act (HIPAA), and Children's Online Privacy Protection Rule (COPPA);

(F) research and explain the origins and legislative intent of the Civil Rights Act of 1964, Title VII, and the Education Amendments of 1972, Title IX, and the rights and responsibilities established by these laws; and

(G) research and describe laws and regulations related to a student's employment or a chosen industry or career.

(6) The student applies concepts and skills related to safety in the workplace. The student is expected to:

(A) identify and demonstrate safe working practices in the workplace;

(B) identify and illustrate solutions related to unsafe work practices;

(C) explain the importance of Occupational Safety and Health Administration regulations in the workplace; and

(D) describe physical health and mental wellness practices that influence job performance.

(7) The student evaluates personal attitudes, work habits, and skills that support job retention and advancement. The student is expected to:

(A) identify and develop effective leadership skills through participation in activities such as career and technical student organizations;

(B) identify appropriate certifications in the current employment position or desired occupational area;

(C) compare rewards and demands associated with various levels of employment in a variety of careers;

(D) investigate and compare career options by completing interest surveys, career aptitude tests, and skill inventories;

(E) generate short- and long-term Specific, Measurable, Attainable, Realistic, Time-Bound (SMART) goals for personal and career growth;

(F) research and explain methods for developing a growth mindset;

(G) summarize how to appropriately self-advocate in the workplace; and

(H) explain the impact of an employee self-evaluations, management performance evaluations, and employee feedback responses on personal job growth.

(8) The student identifies skills and attributes necessary for professional success. The student is expected to:

(A) evaluate and compare career options, including salaries and benefits;

(B) describe how interests, abilities, personal priorities, and family responsibilities affect career choices;

(C) identify continuing education opportunities that enhance career advancement and promote lifelong learning;

(D) analyze the future employment outlook in an occupational area of interest;

(E) describe entrepreneurial opportunities in an occupational area of interest; and

(F) evaluate strategies for career retention and advancement in response to the changing global workforce.

§127.21. Career Preparation for Programs of Study (Two Credits), Adopted 2023.

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2024-2025 school year.

(b) General requirements. This course is recommended for students in Grade 12. Prerequisite: at least one Level 2 or higher career and technical education course. Students shall be awarded two credits for successful completion of this course.

(1) A student's employment experience connected with this course must be related to the student's program of study.

(2) A student may repeat this course one time for credit provided that the student is experiencing different aspects of an industry and demonstrating proficiency in additional and more advanced knowledge and skills.

(3) A student may not earn more than six credits for any combination of career preparation courses selected from Career Preparation General, Career Preparation for Programs of Study, and Extended Career Preparation.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.

(2) Career planning is a critical step and is essential to success. Applying to multiple career and technical education clusters, the career preparation courses provide students with a framework for current employment and future career opportunities to become productive and contributing members of society.

(3) Career Preparation for Programs of Study provides additional opportunities for students to develop business and industry employment experiences, which must be related to the student's current program of study alongside advanced classroom instruction. The goal is to prepare students with a variety of skills to transition from job- to career-mindedness. This course provides a continuing focus on collaborative feedback between the employer, teacher, and student. Career Preparation for Programs of Study expands on Career Preparation General by increasing rigor, supporting student attainment of academic standards, and effectively preparing students for college and career success.

(4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.

(5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(d) Knowledge and skills.

(1) The student applies and evaluates employability skills to improve the student's marketability within the workplace. The student is expected to:

(A) differentiate between a job and a career;

(B) refine an industry-specific professional portfolio or resume;

(C) identify appropriate sources for writing and obtain letters of recommendation;

(D) model proper interview skills based on a chosen career cluster;

(E) evaluate the effectiveness of various methods to gain employment;

(F) describe how having a job can lead to a career and self-sufficiency; and

(G) identify and explain work-based benefits such as health insurance, direct deposit, and retirement contributions.

(2) The student demonstrates essential skills necessary for success in the workplace. The student is expected to:

(A) maintain appropriate hygiene, grooming, and attire for the workplace;

(B) model appropriate workplace etiquette in physical and digital environments;

(C) justify time-management decisions to fulfill responsibilities and meet deadlines;

(D) analyze employer expectations by reflecting on evaluations;

(E) demonstrate effective listening skills used in the workplace through appropriate interactions with customers and coworkers; and

(F) cultivate and improve professionalism by continuously being dependable, working hard, respecting authority, solving problems, taking initiative, communicating effectively, and listening actively.

(3) The student applies and enhances academic knowledge and skills in the workplace. The student is expected to:

(A) integrate mathematical concepts into business transactions such as counting inventory, calculating discounts, and conducting cash transactions;

(B) compare earning potential for careers within a selected program of study with personal financial goals;

(C) analyze and apply data from industry-specific tables, charts, or graphs to generate solutions to problems; and

(D) analyze and synthesize information from electronic communications, including forms, reports, or summaries.

(4) The student demonstrates leadership qualities by applying work ethic, job expectations, multicultural considerations, and communication skills in the workplace. The student is expected to:

(A) identify positive interpersonal skills, including conflict resolution, effective communication, and respect for all people, and model these skills as a mentor with peers;

(B) apply effective verbal, nonverbal, written, or electronic communication skills to a variety of audiences;

(C) define personal integrity and evaluate its effects on human relations in the workplace;

(D) classify a variety of working relationships into functional and dysfunctional characteristics; and

(E) participate in leadership and career-development activities related to a selected program of study.

(5) The student models ethical codes of conduct and legal responsibilities within school and the workplace. The student is expected to:

(A) evaluate provisions of the Fair Labor Standards Act;

(B) analyze the legal consequences of violating privacy laws related to Family Educational Rights and Privacy Act (FERPA), Health Insurance Portability and Accountability Act (HIPAA), and Children's Online Privacy Protection Act (COPPA);

(C) research and describe laws governing different professions within a selected program of study;

(D) analyze organizational policies and procedures and ethical standards from the student's current place of employment; and

(E) interpret and evaluate the rights and responsibilities of employers and employees.

(6) The student applies concepts and skills related to safety in the workplace. The student is expected to:

(A) research and describe different types of identity theft to identify associated risks and prevention strategies;

(B) identify and evaluate consequences of breach of personal and occupational safety practices in the workplace;

(C) model safe working practices at a training station;

(D) evaluate the impact of Occupational Safety and Health Administration regulations in the workplace; and

(E) analyze how physical health and mental wellness practices influence career longevity and satisfaction in a career within a selected program of study.

(7) The student models the skills that support employment retention and advancement. The student is expected to:

(A) create a personal growth plan that identifies relevant certifications, postsecondary opportunities, and technical skills required for various levels of employment based on a chosen career within a selected program of study and describe how to obtain them;

(B) develop short- and long-term Specific, Measurable, Attainable, Realistic, Time-Bound (SMART) goals based on personal and professional growth plans;

(C) analyze the rewards and demands of career advancement;

(D) model appropriate self-advocacy in various workplace scenarios;

(E) compare current employee performance evaluations to previous evaluations to identify areas of growth and opportunities for continued development; and

(F) evaluate and compare employment advancement considerations such as salaries, benefits, and qualifications.

(8) The student analyzes postsecondary career opportunities within a selected program of study. The student is expected to:

(A) research and compare declining and growth industries across career clusters;

(B) identify and analyze future job growth within a selected program of study based on societal needs;

(C) analyze the skills required to be successful in emerging industries;

(D) identify continuing education opportunities to determine education and training requirements for future careers within a selected program of study;

(E) research and evaluate entrepreneurial opportunities related to a selected program of study; and

(F) evaluate how personal priorities such as interests, abilities, and family responsibilities may influence career choice.

§127.22. *Extended Career Preparation (One Credit), Adopted 2023.*

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2024-2025 school year.

(b) General requirements. This course is recommended for students in Grades 11 and 12. Corequisite: Career Preparation Gen-

eral or Career Preparation for Programs of Study. This course must be taken concurrently with Career Preparation General or Career Preparation for Programs of Study and may not be taken as a stand-alone course. Students shall be awarded one credit for successful completion of this course.

(1) A student may repeat this course one time for credit provided that the student is experiencing different aspects of an industry and demonstrating proficiency in additional and more advanced knowledge and skills.

(2) A student may not earn more than six credits for any combination of career preparation courses selected from Career Preparation General, Career Preparation for Programs of Study, and Extended Career Preparation.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.

(2) Career planning is a critical step and is essential to success. Applying to multiple career and technical education clusters, the career preparation courses provide students with a framework for current employment and future career opportunities to become productive and contributing members of society.

(3) Extended Career Preparation is an enhancement and extension to Career Preparation General or Career Preparation for Programs of Study to provide additional opportunities for students to participate in a work-based learning experience that combines classroom instruction with business and industry employment experiences that may be outside the student's current program of study. The goal is to provide students additional time for deeper exploration of skills in the workplace. Career preparation is relevant and rigorous, supports student attainment of academic standards, and effectively prepares students for college and career success.

(4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.

(5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(d) Knowledge and skills.

(1) The student demonstrates employability skills as required by business and industry. The student is expected to:

(A) identify and participate in training, education, or preparation for licensure, certification, or other relevant credentials to prepare for employment;

(B) complete work tasks with high standards to ensure delivery of quality products and services; and

(C) demonstrate and apply planning and time-management skills to work tasks.

(2) The student demonstrates essential skills for success in the workplace. The student is expected to:

(A) demonstrate and apply professional standards and personal qualities needed to be employable such as punctuality, initiative, patience, kindness, respect for authority, and cooperation;

(B) apply appropriate content knowledge, technical concepts, and vocabulary in the workplace;

(C) apply effective listening skills to obtain and clarify information in the workplace; and

(D) maintain appropriate hygiene, grooming, and attire in the workplace.

(3) The student applies and enhances academic knowledge and skills in the workplace. The student is expected to:

(A) employ critical-thinking skills to solve problems and make decisions; and

(B) analyze elements of a problem to develop creative and innovative solutions.

(4) The student exemplifies appropriate interpersonal and communication skills in the workplace. The student is expected to:

(A) demonstrate teamwork using conflict-management skills to achieve collective goals;

(B) apply verbal and non-verbal communication skills consistently in a manner that is clear, concise, and effective; and

(C) model effective internal and external communications to support work activities.

(5) The student models ethical codes of conduct and legal responsibilities within the workplace. The student is expected to:

(A) demonstrate a positive work ethic by performing assigned tasks as directed;

(B) model ethical reasoning in workplace situations;

(C) comply with all applicable rules, laws, and regulations in the workplace; and

(D) research and explain the roles of the Equal Employment Opportunity Commission (EEOC) and the Texas Workforce Commission (TWC) in the workplace.

(6) The student applies concepts and skills related to safety in the workplace. The student is expected to:

(A) follow workplace safety rules and regulations consistently;

(B) operate tools and equipment used in the workplace safely;

(C) report and handle accidents and safety incidents according to workplace procedures as necessary; and

(D) describe and perform a hazard analysis of the workplace.

(7) The student participates in a paid or an unpaid career preparation experience. The student is expected to:

(A) conduct, document, and evaluate learning activities in a supervised employment experience;

(B) assess and report on advanced technical knowledge and skills related to the student's occupational objective and growth;

(C) evaluate strengths and weaknesses in technical skill proficiency; and

(D) document experiences related to the workplace and curate work samples.

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

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Texas Education Agency

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SUBCHAPTER F. BUSINESS, MARKETING, AND FINANCE

19 TAC §§127.275 - 127.278

STATUTORY AUTHORITY. The new sections are adopted under Texas Education Code (TEC), §7.102(c)(4), which requires the State Board of Education (SBOE) to establish curriculum and graduation requirements; TEC, §28.002(a), which identifies the subjects of the required curriculum; TEC, §28.002(c), which requires the SBOE to identify by rule the essential knowledge and skills of each subject in the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials and addressed on the state assessment instruments; and TEC, §28.025(a), which requires the SBOE to determine by rule the curriculum requirements for the foundation high school graduation program that are consistent with the required curriculum under TEC, §28.002.

CROSS REFERENCE TO STATUTE. The new sections implement Texas Education Code, §§7.102(c)(4), 28.002(a) and (c), and 28.025(a).

§127.275. *Entrepreneurship I (One Credit), Adopted 2023.*

(a) **Implementation.** The provisions of this section shall be implemented by school districts beginning with the 2024-2025 school year.

(b) **General requirements.** Recommended prerequisite: Principles of Business, Marketing and Finance. Students shall be awarded one credit for successful completion of this course.

(c) **Introduction.**

(1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.

(2) The Business, Marketing, and Finance Career Cluster focuses on planning, managing, organizing, directing, and evaluating business functions essential to efficient and productive business management, finance, operations, and marketing.

(3) In Entrepreneurship I, students will gain the knowledge and skills needed to become an entrepreneur in a free enterprise system. Students will learn the key concepts necessary to begin and operate a business. The primary focus of the course is to help students identify the types and selection criteria of business structures, understand the components of a business plan, determine feasibility of an idea using research, and develop and present a business concept. In addition, students will understand the basics of management, accounting, finance, marketing, risk, and product development.

(4) Students are encouraged to participate in extended learning experiences such as career and technical student organi-

zations, local chamber of commerce meetings, and meetings with entrepreneurs, mentors, or industry experts.

(5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(d) **Knowledge and skills.**

(1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:

(A) demonstrate professional business communication skills such as verbal phone conversations and the construction of email in a professional manner, including subject line, salutation, email body, closing, and signature;

(B) model professional business norms for face-to-face and virtual interactions in alignment with business norms;

(C) identify how to conduct a meeting with professionals, including the importance of punctual attendance, wearing attire appropriate for the meeting, introducing all parties to one another, reviewing and using the meeting agenda as a guide for the meeting, taking notes during the meeting, and sending meeting outcomes to each participant after the conclusion of the meeting;

(D) communicate effectively with others using verbal and nonverbal communication, active listening, and writing skills in a business setting;

(E) demonstrate collaboration skills, including resolving conflicts, within a team setting;

(F) demonstrate a productive work ethic, including working hard, respecting authority, performing assigned tasks, following schedules, and meeting deadlines;

(G) evaluate the ethical course of action for entrepreneurs using applicable rules, laws, and regulations;

(H) demonstrate leadership skills by participating in career and technical student organizations, leading a team project, or facilitating a group discussion;

(I) demonstrate coachability skills by receiving and giving constructive feedback;

(J) demonstrate critical and analytical thinking skills when comparing business decisions; and

(K) demonstrate virtues, including trustworthiness, responsibility, and good citizenship.

(2) The student demonstrates an understanding of entrepreneurship. The student is expected to:

(A) distinguish between the terms entrepreneurship and entrepreneur;

(B) define small-, medium-, and large-sized businesses;

(C) differentiate between the various routes to entrepreneurship, including start-ups, franchising, acquisition, mergers, and non-profit ownership;

(D) identify and discuss the risks and benefits of an entrepreneurial way of life;

(E) analyze and discuss the advantages and disadvantages of entrepreneurship;

(F) distinguish between intrapreneurship and entrepreneurship; and

(G) identify the role entrepreneurship plays in innovation within a free-market economy.

(3) The student researches corporations, limited liability corporations, franchises, partnerships, limited partnerships, and sole proprietorships to understand business structures. The student is expected to:

(A) evaluate the advantages and disadvantages involved with the ownership of corporations, limited liability corporations, franchises, partnerships, limited partnerships, and sole proprietorships, including control, tax implications, risk, and liability;

(B) differentiate between management structures for different types of business;

(C) investigate local businesses and classify them by their business structures; and

(D) identify the primary importance of shareholders.

(4) The student engages in discovery activities related to entrepreneurship. The student is expected to:

(A) complete a career interest inventory or career aptitude test and a personality assessment to identify personality traits, strengths, and weaknesses;

(B) identify characteristics of successful entrepreneurs; and

(C) identify opportunities for personal growth through self-reflection activities.

(5) The student identifies problems and creates solutions to address market wants and needs. The student is expected to:

(A) identify and analyze problems in the marketplace through an ideation process and market research;

(B) describe possible solutions for the marketplace problems identified; and

(C) determine the feasibility of a solution by performing a features-benefits-value analysis.

(6) The student understands the key components included in a business plan. The student is expected to:

(A) define and explain basic accounting terms, including revenue; expenses; cash; accounts receivable; accounts payable; fixed assets; liquid assets; inventory; liabilities; cost of goods sold; earnings before interest, taxes, depreciation, and amortization (EBITDA); gross profit; net profit; forecasts; cash flow; return on investment; and owners' equity;

(B) identify possible diversified revenue streams and explain how to generate various revenue streams for a business;

(C) define and explain variable, fixed, and mixed costs;

(D) identify the components of key financial statements of a business plan, including balance sheet, profit and loss statement, and cash flow statement;

(E) calculate unit economics and a break-even point using sample data;

(F) define and explain different channels of distribution;

(G) define and explain demographics, psychographics, and geographics as related to potential customer segment;

(H) provide examples of market segments;

(I) compare various pricing strategies such as cost-plus pricing, price skimming, penetration pricing, premium pricing, and value-based pricing;

(J) define and explain a competitive analysis;

(K) analyze and explain different types of marketing and sales strategies, including digital and social media marketing;

(L) identify and define key performance metrics and describe how they may vary by industry; and

(M) describe the unique value proposition of a product or service that provides a competitive edge against existing competitors.

(7) The student demonstrates an understanding of a business planning methodology. The student is expected to:

(A) identify the components of a business planning tool, including the Business Model Canvas; and

(B) apply a business planning template to an existing business.

(8) The student creates a plan for a preliminary business concept. The student is expected to:

(A) identify a current market need or problem;

(B) identify a product or service to address the market need or problem;

(C) explain the unique value proposition of the product or service;

(D) explain potential impacts of the availability of the product or service on a selected target market; and

(E) summarize the feasibility and key elements of the business venture.

(9) The student develops and delivers a comprehensive presentation on a preliminary business concept. The student is expected to:

(A) identify and explain the components of a pitch;

(B) create a pitch for a preliminary business concept;

(C) align presentation strategies to the intended audience and purpose;

(D) select and implement effective multimedia strategies for a presentation;

(E) provide and receive constructive feedback following a presentation; and

(F) demonstrate effective presentation skills.

(10) The student knows how to access and use organizations and resources to support entrepreneurs. The student is expected to:

(A) identify and compare the opportunities of various local, state, and national organizations and associations that provide resources to entrepreneurs, including startup grants and loans; and

(B) analyze the benefits of the various services provided by the Small Business Administration, Small Business Development Centers, Service Corps of Retired Executives (SCORE), chambers of commerce, institutions of higher education, and industry-related associations.

§127.276. *Entrepreneurship II (One Credit), Adopted 2023.*

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2024-2025 school year.

(b) General requirements. This course is recommended for students in Grades 10-12. Prerequisite: Entrepreneurship I. Students shall be awarded one credit for successful completion of this course.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.

(2) The Business, Marketing, and Finance Career Cluster focuses on planning, managing, organizing, directing, and evaluating business functions essential to efficient and productive business management, finance, operations, and marketing.

(3) In Entrepreneurship II, students gain the knowledge and skills needed to become successful entrepreneurs within an innovative marketplace in a free enterprise system. The goal and outcome of the course are for students to have a business launched by the end of the course or have the tools necessary to launch and operate a business. In this course, students learn and initiate the process of taking a business plan from idea to implementation. Students are encouraged to work in close cooperation with local industry leaders and community members to develop ideas and objectives, complete a business planning tool, pitch for funding, and register with governmental agencies.

(4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations, local chamber of commerce meetings, and meetings with entrepreneurs, mentors, or industry experts.

(5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(d) Knowledge and skills.

(1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:

(A) demonstrate professional business skills through written and oral communication;

(B) demonstrate a productive work ethic by using a personal calendar, task list, and project management tools;

(C) conduct meetings in face-to-face and virtual settings by creating an agenda, confirming the meeting, using an agenda as a guide for the meeting, and sending meeting follow-up correspondence;

(D) demonstrate collaboration skills within a diverse team setting;

(E) identify an ethical course of action in a business setting;

(F) demonstrate leadership skills by participating in career and technical student organizations, leading a team project, or facilitating a group discussion;

(G) demonstrate coachability skills by working hard, respecting authority, and using feedback to inform decision making;

(H) set short- and long-term goals;

(I) identify appropriate business attire in various work settings;

(J) demonstrate critical and analytical thinking skills when comparing business decisions; and

(K) demonstrate virtues, including trustworthiness, responsibility, and good citizenship.

(2) The student demonstrates an understanding of the entrepreneurial environment. The student is expected to:

(A) compare the advantages and disadvantages of corporations, franchises, partnerships, limited-liability companies, and sole-proprietorships;

(B) evaluate the factors involved with starting, acquiring, or expanding a business;

(C) describe franchise opportunities and ownership requirements;

(D) define scaling as it applies to growing a business;

(E) self-reflect on and evaluate personal strengths for becoming a successful entrepreneur; and

(F) analyze opportunity costs for a given business example.

(3) The student engages in the ideation process and determines the feasibility of an entrepreneurial venture. The student is expected to:

(A) identify and analyze problems in the marketplace through an ideation process;

(B) analyze market research to identify possible solutions to a problem;

(C) identify the customer segment affected by a problem;

(D) research, develop, and implement focus group questions for a specific customer segment;

(E) evaluate the feasibility of possible solutions to a problem, including a competitive analysis such as a strength, weakness, opportunities, and threats (SWOT) analysis; and

(F) select and present the most viable solution to a problem based on market research, feasibility, and customer segmentation.

(4) The student creates a minimum viable product (MVP) for a start-up business. The student is expected to:

(A) define minimum viable product and unique value proposition for a good or service;

(B) create a minimum viable product to a solution generated from an ideation process;

(C) identify unique value proposition(s) of a minimum viable product;

(D) present the minimum viable product, including the unique value proposition(s), for feedback; and

(E) conduct market testing of the minimum viable product.

(5) The student understands how to select a funding source for a start-up business. The student is expected to:

(A) compare the advantages and disadvantages of potential funding sources, including crowdsourcing, private equity firms,

venture capitalists, banks and other lenders, friends and relatives, grants, state and local development agencies, and angel investors;

(B) identify predatory lending schemes and practices; and

(C) evaluate risks and benefits of various funding sources from short- and long-term perspectives.

(6) The student determines an ownership structure for a start-up business. The student is expected to:

(A) compare ownership structures for a start-up business;

(B) select an ownership structure and explain why it is appropriate for a start-up business; and

(C) explain the process for legally registering and obtaining a tax status for a start-up business for a selected ownership structure.

(7) The student uses a business planning tool to develop a start-up business concept. The student is expected to:

(A) research business plan outlines, resources, and templates such as Business Model Canvas, lean business model template, or a traditional business plan template;

(B) select an appropriate business planning tool for a start-up business;

(C) complete the components of a selected business planning tool for a start-up business concept; and

(D) present a start-up business concept for feedback.

(8) The student demonstrates an understanding of accounting and financial practices. The student is expected to:

(A) explain the importance of budgeting and cash flow, including burn rate;

(B) identify revenues and expenses for a start-up business;

(C) explain the importance of and interrelationship between financial statements, including a profit and loss statement, balance sheet, and statement of cash flow;

(D) create an operational budget for a start-up business;

(E) create a monthly projected financial statement for a three-year period for a start-up business;

(F) identify accounting tools and services such as accounting and bookkeeping software, payroll services, and tax services; and

(G) select appropriate accounting tools and services for a start-up business.

(9) The student demonstrates an understanding of the legal and regulatory environment for a business. The student is expected to:

(A) differentiate ways to protect intellectual property;

(B) distinguish between the advantages and disadvantages of a patent;

(C) determine the types of licenses a start-up business might be required to obtain, including a business license, employer identification number, name registry, professional license, and occupational license;

(D) examine the role of government agencies that oversee business regulations and determine the regulatory implications for a start-up business;

(E) examine the role of workplace safety and health in the regulatory environment and determine its implications for a start-up business;

(F) analyze the purpose of legally binding contracts;

(G) explain the implications of tax laws on a business;

(H) describe the impact of labor laws when creating a start-up business;

(I) create a sample contract for a start-up business such as sales, employment, purchase, lease, or non-disclosure agreement; and

(J) examine implications of sexual harassment and workplace violence on a business.

(10) The student demonstrates an understanding of ethical and moral obligations in entrepreneurship as they relate to shareholders, employees, customers, and the community. The student is expected to:

(A) develop ideas to build a moral and ethical business culture;

(B) evaluate the impact of unethical and immoral practices on stakeholders;

(C) create the core values for a start-up business; and

(D) create purpose, vision, and mission statements for a start-up business.

(11) The student understands the impact of leadership, human resources, and management on a start-up business. The student is expected to:

(A) distinguish between leadership and management;

(B) explore and identify personal leadership style;

(C) develop recruitment, hiring, and retention strategies for a start-up business;

(D) examine and describe effective leadership and management strategies;

(E) create an organizational chart for a start-up business;

(F) create job descriptions for key roles in a start-up business; and

(G) explain how company culture impacts recruitment and retention.

(12) The student determines a pricing structure for a start-up business. The student is expected to:

(A) create and justify a pricing structure for a start-up business;

(B) develop and analyze pricing objectives;

(C) use sample data to calculate prices, markups, and discounts for a start-up business;

(D) calculate unit economics and a break-even point for a start-up business; and

(E) explain the role of supply and demand on pricing.

(13) The student determines effective marketing and promotional strategies for a start-up business. The student is expected to:

- (A) develop promotional objectives;
- (B) create a marketing plan for a start-up business that includes the use of internet, social media, and sales strategies;
- (C) analyze customer buying behavior to inform promotional decision-making;
- (D) create promotional materials using appropriate technology;
- (E) conduct a market test to measure promotional effectiveness;
- (F) explain the role of search engine optimization as a marketing strategy;
- (G) select an appropriate point-of-sale or e-commerce payment method; and
- (H) compare how promotional strategies change during the product life cycle.

(14) The student understands the role of distribution and supply chain management for a start-up business. The student is expected to:

- (A) determine distribution costs associated with transportation, storage, product handling, and inventory control;
- (B) explain how distribution adds value to a product or service by providing place, possession, and time utility to a consumer;
- (C) select suppliers for the production of goods and services; and
- (D) analyze risks and challenges with supply chain management and distribution.

(15) The student understands key metrics to measure the success of a business. The student is expected to:

- (A) explain the role and importance of key metrics as a measure of success;
- (B) identify and define common key metrics; and
- (C) select and justify key metrics for a start-up business.

(16) The student presents a well-organized business plan. The student is expected to:

- (A) create and present a comprehensive business plan that includes business description, target market, key metrics, revenue streams, pricing structure, competitive advantage, unique value proposition, distribution channels, and financial forecast;
- (B) identify the purpose of and present an elevator pitch;
- (C) create and deliver a presentation for start-up business funding;
- (D) select and implement effective multimedia strategies for a presentation;
- (E) provide and receive constructive feedback following a presentation;
- (F) demonstrate effective presentation skills; and
- (G) create an executive summary.

(17) The student understands the process for launching a start-up business. The student is expected to:

- (A) research and identify the process for launching a start-up business in the local area;
- (B) evaluate insurance costs, locations, and loan terms; and
- (C) assess equipment needs and other resources needed to launch the business.

§127.277. *Practicum in Entrepreneurship (Two Credits), Adopted 2023.*

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2024-2025 school year.

(b) General requirements. This course is recommended for students in Grades 11 and 12. Recommended prerequisites: Entrepreneurship I and Entrepreneurship II or successful completion of at least two courses in a career and technical education (CTE) program of study. Students shall be awarded two credits for successful completion of this course. A student may repeat this course once for credit provided that the student is experiencing different aspects of the industry and demonstrating proficiency in additional and more advanced knowledge and skills.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.

(2) This course can serve in multiple CTE programs of study, as it focuses on planning, managing, organizing, directing, and evaluating business functions essential to efficient and productive business management, finance, operations, and marketing related to the student's industry focus.

(3) Practicum in Entrepreneurship provides students the opportunity to apply classroom learning and experiences to real-world business problems and opportunities in a free enterprise system while expanding their skill sets and professional relationships as a real or simulated business owner versus the experience one would have as an employee. Students will prepare for an entrepreneurial career in their area of interest in their career cluster and build on and apply the knowledge and skills gained from courses taken in an array of career areas. Practicum experiences occur in a paid or an unpaid arrangement and a variety of locations appropriate to the nature and level of the student's need for work-based learning experience. Students implement personal and interpersonal skills to strengthen individual performance in the workplace and in society and to make a successful transition to the workforce or postsecondary education. It is recommended that students are paired with local business owners or employers in their specific industry program of study.

(4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations, local chamber of commerce meetings, and meetings with entrepreneurs, mentors, or industry experts.

(5) Students are encouraged to transition from the idea phase to action and implementation of a business, including validation through sales in a real or simulated scenario.

(6) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(d) Knowledge and skills.

(1) The student demonstrates professional standards/employability skills required by business and industry. The student is expected to:

(A) participate in a paid or an unpaid laboratory or work-based application of previously studied knowledge and skills related to entrepreneurship;

(B) demonstrate professional business skills through written and oral communication;

(C) demonstrate collaboration skills through teamwork and constructive dialogue;

(D) demonstrate professionalism by behaving in a manner appropriate for the profession and workplace;

(E) demonstrate a positive, productive work ethic by performing assigned tasks as directed;

(F) comply with all applicable rules, laws, and regulations;

(G) demonstrate time-management skills by prioritizing tasks, following schedules, and accomplishing goal-relevant activities in a way that uses time wisely and optimizes efficiency and results;

(H) identify appropriate business attire for the selected workplace; and

(I) demonstrate critical and analytical thinking skills when comparing business decisions.

(2) The student analyzes major problem areas and potential problem areas for entrepreneurs while demonstrating an understanding of leverage points and constraints. The student is expected to:

(A) assess businesses that have failed, determine factors associated with business closure, and prepare and present analysis to peers;

(B) research and analyze risks faced by entrepreneurs;

(C) evaluate entrepreneurial risk versus opportunity for a given business example;

(D) describe how entrepreneurship differs from working for an employer;

(E) analyze personal aptitude for entrepreneurship;

(F) describe how entrepreneurs must manage organizational finances;

(G) research and apply the entrepreneur's approach to risk-taking as it applies to business decision-making;

(H) explore and explain a company's competitive advantage in its field of interest;

(I) analyze the risks and rewards of business ownership by interviewing an entrepreneur in a chosen field of interest; and

(J) analyze how psychology and sociology explain factors that drive customer behavior and impact business success.

(3) The student identifies the appropriate legal structure, benefits, and drawbacks for different business types. The student is expected to:

(A) describe the different basic types of business formation, including sole proprietorship, partnership, corporation, and limited liability company;

(B) compare the benefits and drawbacks for each type of business structure such as personal liability and taxes; and

(C) research an existing business and simulate liability issues associated with its type of business structure through role-play.

(4) The student determines how to obtain funding and all associated costs needed to start a particular business. The student is expected to:

(A) describe all materials, facilities, technology, inventory, and personnel that will be needed to start and sustain the business;

(B) devise a timeline of tasks that must be completed, including the associated costs;

(C) list and describe all supplies, personnel wages and salaries, inventories, insurance, utilities, repair and maintenance, and other operating costs associated with funding the business once it is operating;

(D) document and analyze the costs associated with operating the business, using cash flow and return on investment as a means of evaluation;

(E) estimate how much money will be needed on-hand to operate the business until the break-even point;

(F) seek the advice of mentors from industry to analyze and discuss actual business situations and funding options to assist the student with a business idea;

(G) create and analyze financial statements to identify ways to improve business performance in a business model of choice; and

(H) define cash burn in relationship to a business's viability.

(5) The student examines the responsibilities businesses have to employees and the community. The student is expected to:

(A) explain the benefits of a business that contributes to the economic well-being of its employees and community;

(B) research and describe the methods in which a business can ensure economic growth and provide jobs;

(C) explore and analyze the health and safety responsibilities a business has to the community and its employees; and

(D) research and identify how businesses are making investments in community infrastructure.

(6) The student analyzes for-profit and non-profit business growth and exit strategies. The student is expected to:

(A) compare business growth strategies and identify and defend the most favorable for a potential business;

(B) describe methods that a business owner can use to obtain financial support to expand a business;

(C) identify and explain various methods an entrepreneur can use to determine how much a business is worth;

(D) analyze various paths to exit a business and the impact from startup decisions; and

(E) explain the factors an entrepreneur should consider when preparing to exit a business.

(7) The student collaborates in small groups to complete a project-based research activity to develop critical thinking and creative problem solving. The student is expected to:

(A) analyze a real-world work site and research an existing issue or problem the business is experiencing;

(B) research and report how to resolve the business problem;

(C) develop a proposal for future business opportunities; and

(D) determine how to create business relationships or alliances that would be beneficial to the business.

§127.278. *Extended Practicum in Entrepreneurship (One Credit), Adopted 2023.*

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2024-2025 school year.

(b) General requirements. This course is recommended for students in Grades 11 and 12. The practicum course is a paid or an unpaid capstone experience for students participating in a coherent sequence of career and technical education (CTE) courses in the Marketing Career Cluster. Recommended prerequisites: Entrepreneurship I and Entrepreneurship II or successful completion of at least two courses in a CTE program of study. Corequisite: Practicum in Entrepreneurship. This course must be taken concurrently with Practicum in Entrepreneurship and may not be taken as a stand-alone course. Students shall be awarded one credit for successful completion of this course. A student may repeat this course once for credit provided that the student is experiencing different aspects of the industry and demonstrating proficiency in additional and more advanced knowledge and skills.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.

(2) This course can serve in multiple CTE programs of study, as it focuses on planning, managing, organizing, directing, and evaluating business functions essential to efficient and productive business management, finance, operations, and marketing related to the student's industry focus.

(3) Extended Practicum in Entrepreneurship provides students the opportunity to apply classroom learning and experiences to real-world business problems and opportunities in a free enterprise system while expanding their skill sets and professional relationships as a real or simulated business owner versus the experience one would have as an employee. Students will prepare for an entrepreneurial career in their area of interest in their career cluster and build on and apply the knowledge and skills gained from courses taken in an array of career areas. Practicum experiences occur in a paid or an unpaid arrangement and a variety of locations appropriate to the nature and level of the student's need for work-based learning experience. Students implement personal and interpersonal skills to strengthen individual performance in the workplace and in society and to make a successful transition to the workforce or postsecondary education. It is recommended that students are paired with local business owners or employers in their specific industry program of study.

(4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations, local chamber of commerce meetings, and meetings with entrepreneurs, mentors, or industry experts.

(5) Students are encouraged to transition from the idea phase to action and implementation of a business, including validation through sales in a real or simulated scenario.

(6) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(d) Knowledge and skills.

(1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:

(A) participate in a paid or an unpaid, laboratory- or work-based application of previously studied knowledge and skills related to entrepreneurship;

(B) participate in training, education, or preparation for licensure, certification, or other relevant credentials to prepare for employment;

(C) demonstrate professional standards and personal qualities needed to succeed as an entrepreneur such as diligence, perseverance, self-discipline, integrity, customer service, work ethic, and adaptability with increased fluency;

(D) demonstrate use of business information management tools with increased fluency for relevant projects;

(E) employ teamwork and conflict-management skills with increased fluency to achieve collective goals; and

(F) employ planning and time-management skills and tools with increased fluency to enhance results and complete work tasks.

(2) The student applies professional communications strategies. The student is expected to:

(A) demonstrate proper use of written, verbal, and visual communication techniques with increased proficiency;

(B) apply active listening skills to obtain and clarify information;

(C) create and deliver formal and informal presentations effectively;

(D) analyze, interpret, and effectively communicate information; and

(E) exhibit positive customer/client communication skills to maintain effective internal and external business relationships.

(3) The student implements advanced problem-solving methods. The student is expected to:

(A) employ critical-thinking skills with increased fluency both independently and in groups to solve problems and make decisions;

(B) conduct technical research to gather information necessary for decision making; and

(C) analyze elements of a problem to develop creative and innovative solutions.

(4) The student understands and applies proper safety and security techniques in the workplace. The student is expected to:

(A) demonstrate understanding of and consistently follow workplace safety rules and regulations; and

(B) adhere to technology safety and cybersecurity policies such as acceptable use policy and webpage policies.

(5) The student understands the ethical and legal responsibilities in entrepreneurship. The student is expected to:

(A) apply appropriate responses to workplace situations based on personal or professional ethical responsibilities;

(B) demonstrate integrity by choosing the ethical course of action when making decisions; and

(C) comply with all applicable rules, laws, and regulations for the selected industry.

(6) The student participates in an entrepreneurial experience. The student is expected to:

(A) conduct, document, and evaluate learning activities in a supervised experience;

(B) develop advanced technical knowledge and skills related to the student's occupational objective;

(C) demonstrate use of information technology tools to manage and perform work responsibilities;

(D) create customary styles of documents such as memoranda, letters, emails, and reports, as appropriate, to an industry of choice;

(E) apply the elements and processes of entrepreneurship to grow a business idea and meet customer expectations;

(F) demonstrate growth of technical skill competencies;

(G) evaluate strengths and weaknesses in technical skill proficiency; and

(H) collect representative work samples.

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 January 24, 2024.

TRD-202400237

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Effective date: February 13, 2024

Proposal publication date: October 13, 2023

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



TITLE 30. ENVIRONMENTAL QUALITY

PART 1. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

CHAPTER 334. UNDERGROUND AND ABOVEGROUND STORAGE TANKS

SUBCHAPTER C. TECHNICAL STANDARDS

30 TAC §334.48

The Texas Commission on Environmental Quality (TCEQ, agency, or commission) adopts the amendment to §334.48.

Amended §334.48 is adopted *without change* to the proposed text as published in the September 22, 2023, issue of the *Texas Register* (48 TexReg 5528) and, therefore, will not be republished.

Background and Summary of the Factual Basis for the Adopted Rule

Since the beginning of Texas' underground storage tank (UST) program in 1989, the commission's rules have required that effective manual or automatic inventory control procedures be conducted for all underground storage tank systems at "retail service stations," as defined in 30 Texas Administrative Code (TAC) §334.2(102). This requirement applies regardless of which release detection method is selected by an owner or operator under 30 TAC §334.50. Because newer technologies have been developed, and interstitial monitoring is required for all UST systems installed after January 1, 2009, it has become unnecessary for all retail service stations to employ both inventory control procedures and the selected release detection method.

Section by Section Discussion

§334.48(c), *Inventory Control*.

The commission adopts to amend §334.48(c) to remove the requirement for all retail service stations to conduct inventory control procedures. Inventory control must still be performed, where applicable, as a necessary component of a release detection method under 30 TAC §334.50(d)(4) and (d)(9) (*i.e.*, combination of inventory control plus automatic tank gauging or a combination of inventory control plus statistical inventory reconciliation).

Final Regulatory Impact Analysis

The commission reviewed the rulemaking adoption in light of the regulatory impact analysis requirements of the Texas Government Code, §2001.0225, and determined that the rulemaking adoption does not meet the definition of a "Major environmental rule" as defined in that statute, and in addition, if it did meet the definition, would not be subject to the requirements to prepare a Regulatory Impact Analysis.

A "Major environmental rule" means a rule, the specific intent of which is to protect the environment or reduce risks to human health from environmental exposure, and that may adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state. The specific intent of the adopted amendment to §334.48(c) is to remove a duplicate requirement of inventory control where USTs are utilizing another release detection method.

Due to the development of newer technologies, and the requirement of utilizing interstitial monitoring for all UST systems installed after January 1, 2009, the requirement that all retail service stations employ inventory control procedures in addition to a selected release detection method has become unnecessary. Inventory control must still be performed as a component of a release detection method under 30 TAC §334.50(d)(4) and (d)(9). The rulemaking adoption remains consistent with federal regulations, as it removes a Texas rule that is more stringent than federal regulations with the result being just as stringent as federal regulations.

Because the amendment places no involuntary requirements on the regulated community, the rule will not adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state. Also, the amendment does not place additional financial burdens on the regulated community beyond what is already required by state regulations relating to release detection.

In addition, a regulatory impact analysis is not required because the rule does not meet any of the four applicability criteria for requiring a regulatory analysis of a "Major environmental rule" as defined in the Texas Government Code. Texas Government Code, §2001.0225, applies only to a major environmental rule the result of which is to: 1) exceed a standard set by federal law, unless the rule is specifically required by state law; 2) exceed an express requirement of state law, unless the rule is specifically required by federal law; 3) exceed a requirement of a delegation agreement or contract between the state and an agency or representative of the federal government to implement a state and federal program; or 4) adopt a rule solely under the general powers of the agency instead of under a specific state law. This rulemaking does not exceed a standard set by federal law. In addition, this rulemaking does not exceed an express requirement of state law and is not adopted solely under the general powers of the agency but is specifically authorized by the provisions cited in the Statutory Authority section of this preamble. Finally, this rulemaking does not exceed a requirement of a delegation agreement or contract to implement a state or federal program.

The commission invited public comment regarding the Draft Regulatory Impact Analysis Determination during the public comment period. No comments were received regarding the regulatory impact analysis determination.

Takings Impact Assessment

The commission evaluated the rulemaking adoption and performed an analysis of whether the adopted rule constitute a taking under Texas Government Code, Chapter 2007. The commission's assessment indicates Texas Government Code, Chapter 2007 does not apply.

Under Texas Government Code, §2007.002(5), taking means: "(A) a governmental action that affects private real property, in whole or in part or temporarily or permanently, in a manner that requires the governmental entity to compensate the private real property owner as provided by the Fifth and Fourteenth Amendments to the United States Constitution or Section 17 or 19, Article I, Texas Constitution; or (B) a governmental action that: (i) affects an owner's private real property that is the subject of the governmental action, in whole or in part or temporarily or permanently, in a manner that restricts or limits the owner's right to the property that would otherwise exist in the absence of the governmental action; and (ii) is the producing cause of a reduction of at least 25% in the market value of the affected private real property, determined by comparing the market value of the property as if the governmental action is not in effect and the market value of the property determined as if the governmental action is in effect."

The specific purpose of the rulemaking adoption is to amend 30 TAC §334.48(c) to remove the requirement for all retail service stations to conduct inventory control procedures.

Inventory control must still be performed at facilities who conduct release detection under 30 TAC §334.50(d)(4) or (d)(9).

Promulgation and enforcement of the adopted rule will not be a statutory or a constitutional taking of private real property. This rule is not burdensome, restrictive, or limiting of rights to private real property because the adopted rule does not affect a landowner's rights in private real property. This rule does not burden, restrict, or limit the owner's right to property, nor does it reduce the value of any private real property by 25% or more beyond that which would otherwise exist in the absence of the

regulations. Therefore, the adopted rule will not constitute a taking under Texas Government Code, Chapter 2007.

Consistency with the Coastal Management Program

The commission reviewed the rulemaking adoption and found that it is subject to the Texas Coastal Management Program (CMP) in accordance with the Coastal Coordination Act, Texas Natural Resources Code, §§33.201 *et seq.*, and therefore must be consistent with all applicable CMP goals and policies. The commission conducted a consistency determination for the adopted rule in accordance with Coastal Coordination Act Implementation Rules, 31 TAC §29.22 and found the rulemaking adoption is consistent with the applicable CMP goals and policies.

The CMP goals applicable to this rulemaking are: to protect, preserve, and enhance the diversity, quality, quantity, functions, and values of coastal natural resource areas; to ensure sound management of all coastal resources by allowing for compatible economic development and multiple human uses of the coastal zone; to ensure and enhance planned public access to and enjoyment of the coastal zone in a manner that is compatible with private property rights and other uses of the coastal zone; and to balance these competing interests. (31 TAC §26.12(1), (2), (4), (5)).

The CMP policy applicable to this rulemaking adoption is the Nonpoint Source Water Pollution which requires under Texas Water Code, Chapter 26, Subchapter I (governing underground storage tanks) that underground storage tanks be located, designed, operated, inspected, and maintained so as to prevent releases of pollutants that may adversely affect coastal waters (31 TAC §26.22(c)). The rulemaking adoption is consistent with federal regulations relating to release detection and will be just as stringent. Retail service stations will continue to utilize a release detection method in accordance with 30 TAC §334.50. Therefore, in accordance with 31 TAC §29.22(a), the commission affirms that this rulemaking is consistent with CMP goals and policies.

Promulgation and enforcement of this rule will not violate or exceed any standards identified in the applicable CMP goals and policies because the adopted rule is consistent with these CMP goals and policies, and because this rule does not create or have a direct or significant adverse effect on any coastal natural resource areas.

The commission invited public comment regarding the consistency with the CMP during the public comment period. No comments were received regarding the CMP.

Public Comment

The commission held a public hearing on October 19, 2023. The comment period closed on October 23, 2023. The commission received one comment from the Texas Food and Fuel Association (TFFA) in support of the amendment. No comments were received in opposition to the amendment, and no comments were received that suggested changes to the amendment.

Response to Comments

Comment

Commenter expressed support of the rule amendment and referenced the impact of improved UST technology on release detection.

Response

TCEQ appreciates the support. No change to the rule was made in response to this comment.

Statutory Authority

The amendment is adopted under Texas Water Code (TWC), §5.102, concerning General Powers, which provides the commission with the general powers to carry out its duties under the TWC; TWC, §5.103, concerning Rules, which authorizes the commission to adopt any rules necessary to carry out the powers and duties under the provisions of the TWC and other laws of this state; and TWC, §5.105, concerning General Policy, which authorizes the commission by rule to establish and approve all general policy of the commission. The amended section is also adopted under TWC, §26.348, which provides the commission authority to develop standards and methods of leak detection.

The adopted amendment implements TWC, §26.348.

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 January 26, 2024.

TRD-202400291

Gitanjali Yadav

Deputy Director, Litigation Division

Texas Commission on Environmental Quality

Effective date: February 15, 2024

Proposal publication date: September 22, 2023

For further information, please call: (512) 239-2678

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TITLE 31. NATURAL RESOURCES AND CONSERVATION

PART 1. GENERAL LAND OFFICE

CHAPTER 15. COASTAL AREA PLANNING

SUBCHAPTER A. MANAGEMENT OF THE BEACH/DUNE SYSTEM

31 TAC §15.7, §15.34

The General Land Office (GLO) is adopting amendments to 31 Texas Administrative Code (TAC) §15.7(h)(5), relating to Local Government Management of the Public Beach, and §15.34, relating to Certification Status of Village of Surfside Beach Dune Protection and Beach Access Plan (Plan). The GLO is adopting the amendment to §15.7(h)(5) to ensure consistency with related provisions in the TAC. The GLO is adopting new §15.34(e) to certify as consistent with state law Plan amendments adopted by the Village of Surfside Beach (Village). The Plan amendments include increasing the beach user fee (BUF) and updating the Plan's beach access section. The amendments were published in the December 15, 2023, issue of the *Texas Register* (48 TexReg 7490) and will be adopted as previously published, without changes, and therefore will not be republished.

Copies of the Village's Plan can be obtained by contacting the Village of Surfside Beach City Secretary at 1304 Monument Drive, Surfside Beach, Texas 77541-9522, (979) 233-1531, or the GLO's Archives and Records Division, Texas General

Land Office, P.O. Box 12873, Austin, Texas 78711-2873, (512) 463-5277.

BACKGROUND AND ANALYSIS OF THE AMENDMENT TO §15.7(h)(5)

GLO adopted amendments to 31 TAC Chapter 15, effective May 30, 2023. Some of the amendments were made with the goal of enhancing beach access for persons with disabilities. After the rule amendments were adopted, the GLO was made aware by the Texas Department of Licensing and Regulation (TDLR) and its Elimination of Architectural Barriers Program that a minor amendment to §15.7(h)(5) was necessary. Section 15.7(h)(5) states in part, "For the purposes of vehicular restrictions only, beach access for persons is preserved if the following criteria are met..." Since the GLO does not have the authority to determine by rule whether access is preserved for persons with disabilities, the GLO is adopting an amendment to the subsection. The amendment would add "with disabilities" and "presumed" to the text of the rule pertaining to vehicular restrictions to the beach and access for persons with disabilities. The amendment would make §15.7(h)(5) consistent with the rest of §15.7(h) by specifying that meeting the criteria in the rule creates a presumption that access is preserved, but that other evidence may be considered in making a final determination. The presumption is rebuttable given other evidence, existing and historical use of the beach, and circumstances particular to the vehicular restriction requested. The amended text is, "For the purposes of vehicular restrictions only, beach access for persons with disabilities is presumed to be preserved if the following criteria are met..." This change would make the rule consistent with the rest of §15.7(h), Preservation and Enhancement of Public Beach Use and Access.

BACKGROUND AND ANALYSIS OF THE AMENDMENT TO §15.34

Pursuant to the Open Beaches Act (Texas Natural Resources Code, Chapter 61) and the Texas Administrative Code (31 TAC §§15.3, 15.7, and 15.8), a local government with jurisdiction over Gulf Coast beaches must submit any amendments to its Plan or Beach User Fee Plan (BUF Plan) to the GLO for certification. If appropriate, the GLO will certify that the Plan or BUF Plan is consistent with state law by amendment of a rule, as authorized in Texas Natural Resources Code (TNRC) §§61.011(d)(5) and 61.015(b). The certification by rule reflects the state's certification of the Plan; however, the text of the Plan is not adopted by the GLO, as provided in 31 TAC §15.3(o)(4).

On October 10, 2023, the City Council of the Village of Surfside Beach adopted Ordinance 2023-10-10 to adopt the amendments to the Plan, which include increasing the BUF and updating the Plan's beach access section. The ordinance becomes effective upon the GLO's certification of the amendments to the Plan as consistent with state law. The Plan was submitted to the GLO in accordance with 31 TAC §§15.3 and 15.8 and TNRC §61.022(c).

The Village is a coastal community in Brazoria County bordering the Gulf of Mexico, is located on Follett's Island, and is accessible from Galveston Island via County Road 257 and from the City of Freeport via State Highway 332. The Village includes approximately 3.8 miles of jurisdictional beach. The areas governed by the Plan include those beaches and adjacent areas within Village jurisdiction that border the Gulf of Mexico.

As provided in 31 TAC §15.8, local governments may request authorization to increase the BUF provided that the local government demonstrates that the increased BUF corresponds to

increased costs of the local government for providing public services and facilities directly related to the public beach. Pursuant to 31 TAC §§15.3 and 15.8, the Village adopted a new BUF and submitted a BUF Plan to the GLO with a request for certification that the BUF Plan is consistent with state law.

The amendment to the BUF Plan increases the annual permit fee amount from \$12 to \$30, expiring on December 31st of each year, and adds a new daily permit option of up to \$15 per vehicle, valid until 12 a.m. (midnight) on the date of issue. The amendment also includes an off-season rate of up to \$15 for annual permits sold January 1st through January 31st, expiring on December 31st of each year. The annual and daily permits allow for parking motor vehicles along the beach-facing side of Beach Drive, immediately adjacent to the beach, and driving onto the beach at designated access points. The permits will be available for purchase at the Village City Hall, local area businesses, and beach permit booths.

According to the Village, the BUF increase is necessary due to ongoing budget deficits from the management of increased beach visitation, increased expenditures on beach maintenance and safety, and damages from unpredictable seasonal storms, which may impact the beach, dune walkovers, beach accesses, and parking areas. In the short term, the Village indicates that additional revenue generated by the increased BUF will enable the Village to expand beach cleaning and maintenance activities by increasing beach maintenance personnel and by purchasing additional beach equipment, enhancing safety by increasing lifeguard and law enforcement presence, and installing educational beach maintenance signage. In the long term, the revenue from the BUF will be used to install a mobile command center to improve safety and emergency response; provide beach amenities such as showers, permanent restrooms, picnic areas, and vending areas; and further increase beach maintenance and safety personnel and equipment.

Based on the information and justification provided by the Village, the GLO has determined that the BUF increase is reasonable. The BUF does not exceed the necessary and actual cost of providing reasonable beach-related facilities and services, does not unfairly limit public use of and access to and from public beaches in any manner, and is consistent with §15.8 of the Beach/Dune Rules and the Open Beaches Act. Therefore, the GLO finds that the BUF Plan is consistent with state law.

The amendments also modify vehicular access to the public beach with an updated parking inventory for off-beach parking areas. The amendments prohibit on-beach vehicular access from Hwy 332 to Starfish Street, which is approximately 400 linear feet of beach. This prohibition is due to the narrow width of the beach, soft sand conditions that have made driving a hazard in this area for a number of years, and future groin locations. In order for the Village to close vehicular access in the area from Hwy 332 to the jetties, 27 additional parking spaces in excess of the required number were provided, and the Village demonstrated compliance in the updated parking inventory.

No comments were received regarding the adoption of these amendments.

STATUTORY AUTHORITY

The amendments are being adopted under Texas Natural Resources Code §§61.011, 61.015(b), and 61.022 (b) & (c), and 61.070, which provide the GLO with the authority to adopt rules governing the preservation and enhancement of the public's right

to access and use public beaches, imposition or increase of beach user fees, and certification of local government beach access and use plans as consistent with state 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 January 22, 2024.

TRD-202400213

Mark Havens

Chief Clerk

General Land Office

Effective date: February 11, 2024

Proposal publication date: December 15, 2023

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

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

PART 5. TEXAS BOARD OF PARDONS AND PAROLES

CHAPTER 147. HEARINGS

SUBCHAPTER A. GENERAL RULES FOR HEARINGS

37 TAC §§147.1, 147.3, 147.5, 147.6

The Texas Board of Pardons and Paroles adopts amendments to 37 TAC Chapter 147, Subchapter A, §147.1, §147.3, §147.5, and §147.6 concerning general rules for hearings. Rule §147.6 is adopted without changes to the proposed text as published in the September 22, 2023, issue of the *Texas Register* (48 TexReg 5533) and will not be republished. Rules §147.1, §147.3, and §147.5 are adopted with changes to the proposed text as published in the September 22, 2023, issue of the *Texas Register* (48 TexReg 5533) and will be republished.

The amendments are adopted to provide edits for uniformity and consistency throughout the rules, correct grammatical errors, delineate prohibited acts in ex parte communications, and clarify the hearing officer's responsibility regarding written testimony.

No public comments were received regarding adoption of these amendments.

The amended rules are adopted under Sections 508.0441, 508.045, 508.281, and 508.283, Government Code. Section 508.0441 relates to the board member and parole commissioner release and revocation duties. Section 508.045 provides parole panels with the authority to grant, deny, revoke parole, or revoke mandatory supervision. Sections 508.281 and 508.283 relate to hearings to determine violations of the releasee's parole or mandatory supervision.

§147.1. Public Hearings.

(a) All hearings on matters not confidential or privileged by law, or both, shall be open to the public.

(b) Appropriate federal and state constitutional provisions, statutes, regulations, and judicial precedent establishing the confiden-

tial or privileged nature of information presented shall be given effect by the Hearing Officer.

(c) To effect this provision, the Hearing Officer shall have the authority to close the hearing to the extent necessary to protect against the improper disclosure of confidential privileged information.

(d) If the Hearing Officer closes the hearing pursuant to this section, in no event shall the Hearing Officer exclude from the hearing a party as defined by §141.111 of this title (relating to Definition and Terms) and includes:

- (1) the releasee;
- (2) the releasee's attorney;
- (3) the releasee's interpreter;
- (4) Board Member or Board employee;
- (5) TDCJ employee;
- (6) County jail employee; and
- (7) Prosecuting attorney.

(e) When the Hearing Officer closes the hearing, the Hearing Officer shall announce on the record that the hearing will be closed to the public to protect the confidential or privileged information being introduced into evidence. After the confidential or privileged evidence is obtained, the Hearing Officer shall open the hearing to the public and announce the same on the record.

§147.3. Ex Parte Consultations.

Unless required for the disposition of matters authorized by law, Hearing Officers, Board Members and Parole Commissioners assigned to render a decision or to make findings of fact and conclusions of law in an individual case may not, directly or indirectly, initiate, permit, nor consider communications in connection with any issue of fact or law with any party, except on notice and opportunity for all parties to participate.

§147.5. Witnesses.

(a) The Hearing Officer may determine whether a witness may be excused under the rule that excludes witnesses from the hearing.

(1) In no event shall the Hearing Officer exclude from the hearing a party under the authority of this section. For these purposes, the term "party" means the definition in §141.111 of this title (relating to Definition of Terms) and includes:

- (A) the releasee;
- (B) the releasee's attorney; and

(C) no more than one representative of the TDCJ Parole Division who has acted or served in the capacity of supervising, advising, or agent officer in the case.

(2) In the event it appears to the Hearing Officer that an individual who is present at the hearing and intended to be called by a party as a witness has no relevant, probative, noncumulative testimony to offer on any material issue of fact or law, then the Hearing Officer, in his sound discretion, may determine that such individual should not be placed under the rule and excluded from the hearing.

(b) All witnesses who testify in person are subject to cross-examination unless the Hearing Officer specifically finds good cause for lack of confrontation and cross-examination.

(c) Witnesses personally served with a subpoena and who fail to appear at the hearing, and upon a favorable good cause determination by the Hearing Officer, may present testimony by written statement.

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 January 24, 2024.

TRD-202400255
Bettie Wells
General Counsel
Texas Board of Pardons and Paroles
Effective date: February 13, 2024
Proposal publication date: September 22, 2023
For further information, please call: (512) 406-5478



SUBCHAPTER B. EVIDENCE

37 TAC §147.24, §147.26

The Texas Board of Pardons and Paroles adopts amendments to 37 TAC Chapter 147, Subchapter B, §147.24 and §147.26 concerning evidence. The rules are adopted without changes to the proposed text as published in the September 22, 2023, issue of the *Texas Register* (48 TexReg 5534). The rules will not be republished.

The amendments are adopted to provide edits for uniformity and consistency throughout the rules and to correct grammatical errors.

No public comments were received regarding adoption of these amendments.

The amended rules are adopted under Sections 508.0441, 508.045, 508.281, and 508.283, Government Code. Section 508.0441 relates to the board member and parole commissioner release and revocation duties. Section 508.045 provides parole panels with the authority to grant, deny, revoke parole, or revoke mandatory supervision. Sections 508.281 and 508.283 relate to hearings to determine violations of the releasee's parole or mandatory supervision.

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 January 24, 2024.

TRD-202400256
Bettie Wells
General Counsel
Texas Board of Pardons and Paroles
Effective date: February 13, 2024
Proposal publication date: September 22, 2023
For further information, please call: (512) 406-5478





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

Department of State Health Services

Title 25, Part 1

The Texas Health and Human Services Commission (HHSC) proposes to review and consider for re adoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 25, Part 1, of the Texas Administrative Code:

Chapter 135, Ambulatory Surgical Centers

This review is conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies, every four years, to assess whether the initial reasons for adopting a rule continue to exist. After reviewing its rules, the agency will readopt, readopt with amendments, or repeal its rules.

Comments on the review of Chapter 135, Ambulatory Surgical Centers, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to HHSRulesCoordinationOffice@hhs.texas.gov. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 135" 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-202400338

Jessica Miller

Director, Rules Coordination Office

Department of State Health Services

Filed: January 30, 2024



Health and Human Services Commission

Title 26, Part 1

The Texas Health and Human Services Commission (HHSC) proposes to review and consider for re adoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 26, Part 1, of the Texas Administrative Code:

Chapter 748, Minimum Standards for General Residential Operations

This review is conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies, every four years, to assess whether the initial reasons for adopting a rule con-

tinue to exist. After reviewing its rules, the agency will readopt, readopt with amendments, or repeal its rules.

Comments on the review of Chapter 748, Minimum Standards for General Residential Operations, 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 748" in the subject line. The deadline for comments is on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register*.

The text of the rule sections being reviewed will not be published, but may be found in Title 26, Part 1, of the Texas Administrative Code or on the Secretary of State's website at State Rules and Open Meetings (www.sos.texas.gov).

TRD-202400323

Jessica Miller

Director, Rules Coordination Office

Health and Human Services Commission

Filed: January 29, 2024



The Texas Health and Human Services Commission (HHSC) proposes to review and consider for re adoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 26, Part 1, of the Texas Administrative Code:

Chapter 900, Health and Specialty Care System

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 900, Health and Specialty Care System, 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 900" in the subject line. The deadline for comments is on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register*.

The text of the rule sections being reviewed will not be published, but may be found in Title 26, Part 1, of the Texas Administrative Code or on the Secretary of State's website at State Rules and Open Meetings (www.sos.texas.gov).

TRD-202400324
Jessica Miller
Director, Rules Coordination Office
Health and Human Services Commission
Filed: January 29, 2024



Department of Aging and Disability Services

Title 40, Part 1

The Texas Health and Human Services Commission (HHSC), on behalf of the Department of Aging and Disability Services, proposes to review and consider for readoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 40, Part 1, of the Texas Administrative Code:

Chapter 7, DADS Administrative Responsibilities

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 7, DADS Administrative Responsibilities, 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 7" 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 chapter being reviewed will not be published, but may be found in Title 40, Part 1, of the Texas Administrative Code on the Secretary of State's website at State Rules and Open Meetings (www.sos.texas.gov).

TRD-202400347
Jessica Miller
Director, Rules Coordination Office
Department of Aging and Disability Services
Filed: January 31, 2024



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 40, Part 1, of the Texas Administrative Code:

Chapter 96, Certification of Long-Term Care Facilities

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 96, Certification of Long-Term Care Facilities, 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 96" 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 chapter being reviewed will not be published, but may be found in Title 40, Part 1, of the Texas Administrative Code on the Secretary of State's website at State Rules and Open Meetings (www.sos.texas.gov).

TRD-202400336
Jessica Miller
Director, Rules Coordination Office
Department of Aging and Disability Services
Filed: January 30, 2024



Adopted Rule Reviews

Health and Human Services Commission

Title 26, Part 1

The Health and Human Services Commission (HHSC) adopts the review of the chapter below in Title 26, Part 1, of the Texas Administrative Code (TAC):

Chapter 901, Volunteer and Community Engagement

Notice of the review of this chapter was published in the December 15, 2023, issue of the *Texas Register* (48 TexReg 7620). HHSC received no comments concerning this chapter.

HHSC has reviewed Chapter 901 in accordance with §2001.039 of the Texas Government Code, which requires state agencies to assess, every four years, whether the initial reasons for adopting a rule continue to exist. The agency determined that the original reasons for adopting all rules in the chapter continue to exist and readopts Chapter 901. Any amendments or repeals to Chapter 901 identified by HHSC in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes HHSC's review of 26 TAC Chapter 901 as required by the Texas Government Code, §2001.039.

TRD-202400348
Jessica Miller
Director, Rules Coordination Office
Health and Human Services Commission
Filed: January 31, 2024



Texas Commission on Environmental Quality

Title 30, Part 1

The Texas Commission on Environmental Quality (TCEQ) has completed its Rule Review of 30 Texas Administrative Code (TAC) Chapter 112, Control of Air Pollution from Sulfur Compounds, as required by Texas Government Code (TGC), §2001.039. Texas Government Code, §2001.039, requires a state agency to review and consider for readoption, readoption with amendments, or repeal each of its rules every four years. TCEQ published its Notice of Intention to Review these rules in the July 28, 2023, issue of the *Texas Register* (48 TexReg 4135).

The review assessed whether the initial reasons for adopting the rules continue to exist, and TCEQ has determined that those reasons exist. The rules in 30 TAC Chapter 112 are needed to control emissions of sulfur dioxide (SO₂), hydrogen sulfide, sulfuric acid, and total reduced sulfur throughout the state. The rules in Subchapter A, Control of Sulfur Dioxide are approved by the United States Environmental Protection Agency (EPA) as a part of the State Implementation Plan (SIP) for the SO₂ National Ambient Air Quality Standard (NAAQS) in accordance with Federal Clean Air Act (FCAA), §109 and §110. The rules in Subchapter B Control of Hydrogen Sulfide are not part of the SIP

but were adopted under the State Air Control Plan required by Texas Health and Safety Code, §382.012. The rules in Subchapter C Control of Sulfuric Acid and Subchapter D Control of Total Reduced Sulfur were submitted to EPA to establish standards of performance to meet FCAA, §111(d) state plan requirements.

On October 5, 2022, the commission adopted the rules in Subchapter E Requirements in the Howard County Nonattainment Area, Subchapter F Requirements in the Hutchinson County Nonattainment Area, and Subchapter G Requirements in the Navarro County Nonattainment Area to meet SIP requirements for three 2010 SO₂ NAAQS nonattainment areas. The rulemaking (Rule Project No. 2021-035-112-AI) was submitted to EPA on October 24, 2022, for approval and inclusion in the SIP. EPA has not yet taken action on the submittal.

The review resulted in a determination that the emissions rate in §112.8(b) is obsolete but must be retained at this time. The provision specifically applies "to any solid fossil fuel-fired steam generator located in Milam County, which began operation prior to January 1, 1955." The emissions rate specified in §112.8(b) is 4.0 pounds per one million British thermal units (MMBtu), which is relaxed from the 3.0 pounds per MMBtu rate specified for all other sources in the state. The provision was established in a 1979 rulemaking as a result of a petition from Alcoa to allow relaxed SO₂ emission limitations for three units at its Rockdale aluminum smelter in Milam County based on the actual sulfur content of the lignite fuel the units used. The rulemaking and a SIP revision were submitted to EPA in 1995 and approved as part of the SIP effective November 22, 1996 (61 FR 49685, September 23, 1996).

The Rockdale smelter was idled in 2008 and permanently closed in 2017. Subsequent environmental restoration efforts were intended to transition the property back to primarily agricultural use, and Alcoa sold the property to developers in 2021. Since the source specified in §112.8(b) no longer exists, the provision should be repealed; however, because the provision is approved in the SIP, removal from the SIP would require a SIP revision and associated FCAA, §110(l) anti-backsliding demonstration. Until such action is taken, the rule must be retained.

In addition to the obsolete provision in §112.8(b), Chapter 112 includes several outdated references, including references to the former Texas Air Control Board (TACB), the TACB Modeling Section, and Regulation III. The rules in Chapter 112 that include these outdated references are not obsolete, but they should be updated to include current agency and regulatory references.

Public Comment

The public comment period closed on August 28, 2023. TCEQ did not receive comments on the rules review of this chapter.

As a result of the review, the commission finds that the reasons for adopting the rules in 30 TAC Chapter 112 continue to exist and readopts these sections in accordance with the requirements of TGC, §2001.039. Changes to the rules identified as part of this review process may be addressed in a separate rulemaking action, in accordance with the Texas Administrative Procedure Act.

TRD-202400314

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: January 26, 2024



The Texas Commission on Environmental Quality (TCEQ) has completed its Rule Review of 30 Texas Administrative Code (TAC)

Chapter 293, Water Districts, as required by Texas Government Code, §2001.039. Texas Government Code, §2001.039, requires a state agency to review and consider for readoption, readoption with amendments, or repeal each of its rules every four years. TCEQ published its Notice of Intent to Review these rules in the July 28, 2023, issue of the *Texas Register* (48 TexReg 4135).

The review assessed whether the initial reasons for adopting the rules continue to exist and TCEQ has determined that those reasons exist. The rules in Chapter 293 are required because they are based on several statutory provisions: Texas Water Code (TWC), §49.011(b), which directs TCEQ to adopt rules establishing a procedure for public notice and hearing on applications for creation of a district; TWC, §5.235, which specifies applicable fees; Local Government Code, §395.080, which directs TCEQ to adopt rules on processing of applications for approval of impact fees; and TWC, §5.103, which provides TCEQ with authority to adopt any rules necessary to carry out its powers and duties under the provisions of TWC or other laws of this state. In addition, Chapter 293 implements TCEQ responsibilities and duties arising from the provisions of Article III, §52 and Article XVI, §59 of the Texas Constitution; TWC, Chapters 36, 49, 50, 51, 53, 54, 56, 57, 58, 59, 65, 66; and Local Government Code, Chapters 42, 375, and 395.

Public Comment

The public comment period closed on August 28, 2023. TCEQ did not receive comments on the rules review of this chapter.

As a result of the review TCEQ finds that the reasons for adopting the rules in 30 TAC Chapter 293 continue to exist and readopts these sections in accordance with the requirements of Texas Government Code, §2001.039.

TRD-202400316

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: January 26, 2024



The Texas Commission on Environmental Quality (TCEQ) has completed its Rule Review of 30 Texas Administrative Code (TAC) Chapter 323, Waste Disposal Approvals, as required by Texas Government Code (TGC), §2001.039. TGC, §2001.039, requires a state agency to review and consider for readoption, readoption with amendments, or repeal each of its rules every four years. TCEQ published its Notice of Intent to Review these rules in the July 14, 2023, issue of the *Texas Register* (48 TexReg 3928).

The review assessed whether the initial reasons for adopting the rules continue to exist and TCEQ has determined that those reasons exist. The rules under Chapter 323 allow the executive director to develop a system for evaluating waste disposal facilities to determine if the design and operation merit state approval. The chapter provides conditions under which a person whose waste disposal facility attained an approved rating can erect signs to show that the facility has been approved, and establishes procedures used to evaluate waste disposal facilities after the rating system has been established.

Public Comment

The public comment period closed on August 14, 2023. TCEQ did not receive comments on the rules review of this chapter.

As a result of the review the commission finds that the reasons for adopting the rules in 30 TAC Chapter 323 continue to exist and readopts these sections in accordance with the requirements of TGC, §2001.039.

TRD-202400315

Charmaine Backens
Deputy Director, Environmental Law Division
Texas Commission on Environmental Quality
Filed: January 26, 2024



The Texas Commission on Environmental Quality (TCEQ) has completed its Rule Review of 30 Texas Administrative Code (TAC) Chapter 351, Regionalization, as required by Texas Government Code (TGC), §2001.039. TGC, §2001.039, requires a state agency to review and consider for readoption, readoption with amendments, or repeal each of its rules every four years. TCEQ published its Notice of Intent to Review these rules in the July 14, 2023, issue of the *Texas Register* (48 TexReg 3929).

The review assessed whether the initial reasons for adopting the rules continue to exist and TCEQ has determined that those reasons exist. The rules under Chapter 351 are based on Texas Water Code (TWC), Chapter 26, Subchapter C, Regional and Area-Wide Systems, which encourages and promotes the development and use of regional and area-wide waste collection, treatment, and disposal systems to serve the waste disposal needs of the citizens of the state and to prevent pollution and maintain and enhance the quality of the water in the state. Within any standard metropolitan statistical area in the state, TCEQ is authorized to implement this policy by defining areas of regional or area-wide systems and designating a system to serve the area defined. Pursuant to this authority, the commission adopted rules for the following eight regional areas: Northbelt, Rosillo Creek, East Fork Trinity River, Harris County Fresh Water Supply District Number 63, Cibolo Creek, Blackhawk, and Vidor Metropolitan Area.

The rules are needed as part of TCEQ's efforts to promote the development and use of regional and area-wide waste collection, treatment, and disposal systems.

Public Comment

The public comment period closed on August 14, 2023. The commission did not receive comments on the rules review of this chapter.

As a result of the review TCEQ finds that the reasons for adopting the rules in 30 TAC Chapter 351 continue to exist and readopts these sections in accordance with the requirements of TGC, §2001.039.

TRD-202400313
Charmaine Backens
Deputy Director, Environmental Law Division
Texas Commission on Environmental Quality
Filed: January 26, 2024



Texas Public Finance Authority

Title 34, Part 10

The Texas Public Finance Authority (TPFA) has completed the review of the rules in 34 Texas Administrative Code, Part 10. The review was

conducted in accordance with Texas Government Code §2001.039 and included the following chapters in Title 34: Chapter 221, concerning the Distribution of Bond Proceeds; Chapter 223, concerning the Historically Underutilized Business Program; Chapter 225, concerning the Master Lease Purchase Program; and Chapter 227, concerning Administration.

Notice of the review of Chapters 221, 223, 225, and 227 was published in the October 6, 2023, issue of the *Texas Register* (48 TexReg 5830). No comments were received in response to the notice.

TPFA finds that the initial reasons for adopting the rules in 34 Texas Administrative Code, Part 10 continue to exist. The Authority, therefore, readopts 34 Texas Administrative Code Chapters 221, 223, 225, and 227 in accordance with the requirements of the Government Code, §2001.039.

This concludes TPFA's review of 34 TAC Chapters 221, 223, 225, and 227.

TRD-202400333
Devyn F. Wills
Assistant General Counsel
Texas Public Finance Authority
Filed: January 30, 2024



Texas Board of Pardons and Paroles

Title 37, Part 5

The Texas Board of Pardons and Paroles (Board) files this notice of readoption of Texas Administrative Code, Title 37, Public Safety and Corrections, Part 5, Chapter 147, Hearings. The review was conducted pursuant to Government Code, Section 2001.039. Notice of the Board's intention to review was published in the October 21, 2022, issue of the *Texas Register* (47 TexReg 7071).

As a result of the rule review, the Board has determined that the original justifications for initially adopting the rules in 37 TAC Chapter 147 continue to exist. The Board readopts §§147.1, 147.3, 147.5, 147.6, 147.24, and 147.26 with amendments as published in the Adopted Rules section of this issue of the *Texas Register*.

No comments on the proposed rule review were received.

This concludes the review of 37 TAC Chapter 147, Hearings.

TRD-202400257
Bettie Wells
General Counsel
Texas Board of Pardons and Paroles
Filed: January 24, 2024



TABLES & GRAPHICS

Graphic images included in rules are published separately in this tables and graphics section. Graphic images are arranged in this section in the following order: Title Number, Part Number, Chapter Number and Section Number.

Graphic images are indicated in the text of the emergency, proposed, and adopted rules by the following tag: the word “Figure” followed by the TAC citation, rule number, and the appropriate subsection, paragraph, subparagraph, and so on.

Figure: 19 TAC §13.474(b)

Funded Outcome	Funded Value	Funded Value for Completion in a High-Demand Field
(1) Dual Credit or Dual Enrollment Fundable Outcome	\$1,700	n/a
(2) Transfer Fundable Outcome or Structured Co-Enrollment Fundable Outcome	\$3,500	n/a
(3) Fundable Credentials	<i>See subtypes below</i>	<i>See subtypes below</i>
(A) Licensure/Certification, as defined in 13.472(16)(C)(iii)	\$1,000	\$1,250
(B) Institutional Credential Leading to a Licensure/Certification	\$1,000	\$1,250
(C) Occupational Skills Award	\$750	\$1,000
(D) Certificate (Advanced Technical Certificate, Level 1 or Level 2 Certificate)	\$1,750	\$3,500
(E) Associate Degree	\$3,500	\$4,500
(F) Baccalaureate Degree	\$3,500	\$4,500

Form COB TX

Coordination of This Contract's Benefits with Other Benefits

The Coordination of Benefits (COB) provision applies when a person has health care coverage under more than one plan. Plan is defined below.

The order of benefit determination rules govern the order in which each plan will pay a claim for benefits. The plan that pays first is called the primary plan. The primary plan must pay benefits in accord with its policy terms without regard to the possibility that another plan may cover some expenses. The plan that pays after the primary plan is the secondary plan. The secondary plan may reduce the benefits it pays so that payments from all plans equal 100 percent of the total allowable expense.

Definitions

- (a) A "plan" is any of the following that provides benefits or services for medical, or dental, or vision care or treatment. If separate contracts are used to provide coordinated coverage for members of a group, the separate contracts are considered parts of the same plan and there is no COB among those separate contracts.
- (1) Plan includes: group, blanket, or franchise accident and health insurance policies, excluding disability income protection coverage]; individual and group health maintenance organization evidences of coverage; individual accident and health insurance policies; individual and group preferred provider benefit plans and exclusive provider benefit plans; group insurance contracts, individual insurance contracts and subscriber contracts that pay or reimburse for the cost of dental care; a vision benefit plan that provides coverage for vision or eye care expenses; medical care components of individual and group long-term care contracts; limited benefit coverage that is not issued to supplement individual or group in-force policies; uninsured (i.e., self-funded or self-insured) arrangements of group or group-type coverage; the medical benefits coverage in automobile insurance contracts; and Medicare or other governmental benefits, as permitted by law.
- (2) Plan does not include: disability income protection coverage; [the Texas Health Insurance Pool;] workers' compensation insurance coverage; hospital confinement indemnity coverage or other fixed indemnity coverage; specified disease coverage; supplemental benefit coverage; accident only coverage; specified accident coverage; school accident-type coverages that cover students

for accidents only, including athletic injuries, either on a "24-hour" or a "to and from school" basis; benefits provided in long-term care insurance contracts for non-medical services, for example, personal care, adult day care, homemaker services, assistance with activities of daily living, respite care, and custodial care or for contracts that pay a fixed daily benefit without regard to expenses incurred or the receipt of services; Medicare supplement policies; a state plan under Medicaid; a governmental plan that, by law, provides benefits that are in excess of those of any private insurance plan[;] or other nongovernmental plan; or an individual accident and health insurance policy that is designed to fully integrate with other policies through a variable deductible.

Each contract for coverage under (a)(1) or (a)(2) is a separate plan. If a plan has two parts and COB rules apply only to one of the two, each of the parts is treated as a separate plan.

- (b) "This plan" means, in a COB provision, the part of the contract providing the health care benefits to which the COB provision applies and which may be reduced because of the benefits of other plans. Any other part of the contract providing health care benefits is separate from this plan. A contract may apply one COB provision to certain benefits, such as dental benefits, coordinating only with like benefits, and may apply other separate COB provisions to coordinate other benefits.

The order of benefit determination rules determine whether this plan is a primary plan or secondary plan when the person has health care coverage under more than one plan. When this plan is primary, it determines payment for its benefits first before those of any other plan without considering any other plan's benefits. When this plan is secondary, it determines its benefits after those of another plan and may reduce the benefits it pays so that all plan benefits equal 100 percent of the total allowable expense.

- (c) "Allowable expense" is a health care expense, including deductibles, coinsurance, and copayments, that is covered at least in part by any plan covering the person. When a plan provides benefits in the form of services, the reasonable cash value of each service will be considered an allowable expense and a benefit paid. An expense that is not covered by any plan covering the person is not an allowable expense. In addition, any expense that a health care provider or physician by law or in accord with a contractual agreement is prohibited from charging a covered person is not an allowable expense.

The following are examples of expenses that are not allowable expenses:

- (1) The difference between the cost of a semi-private hospital room and a private hospital room is not an allowable expense, unless one of the plans provides coverage for private hospital room expenses.
 - (2) If a person is covered by two or more plans that do not have negotiated fees and compute their benefit payments based on the usual and customary fees, allowed amounts, or relative value schedule reimbursement methodology, or other similar reimbursement methodology, any amount in excess of the highest reimbursement amount for a specific benefit is not an allowable expense.
 - (3) If a person is covered by two or more plans that provide benefits or services on the basis of negotiated fees, an amount in excess of the highest of the negotiated fees is not an allowable expense.
 - (4) If a person is covered by one plan that does not have negotiated fees and that calculates its benefits or services based on usual and customary fees, allowed amounts, relative value schedule reimbursement methodology, or other similar reimbursement methodology, and another plan that provides its benefits or services based on negotiated fees, the primary plan's payment arrangement must be the allowable expense for all plans. However, if the health care provider or physician has contracted with the secondary plan to provide the benefit or service for a specific negotiated fee or payment amount that is different than the primary plan's payment arrangement and if the health care provider's or physician's contract permits, the negotiated fee or payment must be the allowable expense used by the secondary plan to determine its benefits.
 - (5) The amount of any benefit reduction by the primary plan because a covered person has failed to comply with the plan provisions is not an allowable expense. Examples of these types of plan provisions include second surgical opinions, prior authorization of admissions, and preferred health care provider and physician arrangements.
- (d) "Allowed amount" is the amount of a billed charge that a carrier determines to be covered for services provided by a nonpreferred health care provider or physician. The allowed amount includes both the carrier's payment and any applicable deductible, copayment, or coinsurance amounts for which the insured is responsible.
- (e) "Closed panel plan" is a plan that provides health care benefits to covered persons primarily in the form of services through a panel of health care providers and physicians that have contracted with or are employed by the plan, and that excludes coverage for services provided by other health care providers and physicians, except in cases of emergency or referral by a panel member.

- (f) "Custodial parent" is the parent with the right to designate the primary residence of a child by a court order under the Texas Family Code or other applicable law, or in the absence of a court order, is the parent with whom the child resides more than one-half of the calendar year, excluding any temporary visitation.

Order of Benefit Determination Rules

When a person is covered by two or more plans, the rules for determining the order of benefit payments are as follows:

- (a) The primary plan pays or provides its benefits according to its terms of coverage and without regard to the benefits under any other plan.
- (b) Except as provided in (c), a plan that does not contain a COB provision that is consistent with this policy is always primary unless the provisions of both plans state that the complying plan is primary.
- (c) Coverage that is obtained by virtue of membership in a group that is designed to supplement a part of a basic package of benefits and provides that this supplementary coverage must be excess to any other parts of the plan provided by the contract holder. Examples of these types of situations are major medical coverages that are superimposed over base plan hospital and surgical benefits, and insurance type coverages that are written in connection with a closed panel plan to provide out-of-network benefits.
- (d) A plan may consider the benefits paid or provided by another plan in calculating payment of its benefits only when it is secondary to that other plan.
- (e) If the primary plan is a closed panel plan and the secondary plan is not, the secondary plan must pay or provide benefits as if it were the primary plan when a covered person uses a noncontracted health care provider or physician, except for emergency services or authorized referrals that are paid or provided by the primary plan.
- (f) When multiple contracts providing coordinated coverage are treated as a single plan for the purposes of COB [under this subchapter], this section applies only to the plan as a whole, and coordination among the component contracts is governed by the terms of the contracts. If more than one carrier pays or provides benefits under the plan, the carrier designated as primary within the plan must be responsible for the plan's compliance with this subchapter.
- (g) If a person is covered by more than one secondary plan, the order of benefit determination rules of this subchapter decide the order in which secondary plans'

benefits are determined in relation to each other. Each secondary plan must take into consideration the benefits of the primary plan or plans and the benefits of any other plan that, under the rules of this contract, has its benefits determined before those of that secondary plan.

- (h) Each plan determines its order of benefits using the first of the following rules that apply.
- (1) Nondependent or Dependent. The plan that covers the person other than as a dependent, for example as an employee, member, policyholder, subscriber, or retiree, is the primary plan, and the plan that covers the person as a dependent is the secondary plan. However, if the person is a Medicare beneficiary and, as a result of federal law, Medicare is secondary to the plan covering the person as a dependent and primary to the plan covering the person as other than a dependent, then the order of benefits between the two plans is reversed so that the plan covering the person as an employee, member, policyholder, subscriber, or retiree is the secondary plan and the other plan is the primary plan. An example includes a retired employee.
 - (2) Dependent Child Covered Under More Than One Plan. Unless there is a court order stating otherwise, plans covering a dependent child must determine the order of benefits using the following rules that apply.
 - (A) For a dependent child whose parents are married or are living together, whether or not they have ever been married:
 - (i) The plan of the parent whose birthday falls earlier in the calendar year is the primary plan; or
 - (ii) If both parents have the same birthday, the plan that has covered the parent the longest is the primary plan.
 - (B) For a dependent child whose parents are divorced, separated, or not living together, whether or not they have ever been married:
 - (i) if a court order states that one of the parents is responsible for the dependent child's health care expenses or health care coverage and the plan of that parent has actual knowledge of those terms, that plan is primary. This rule applies to plan years commencing after the plan is given notice of the court decree.
 - (ii) if a court order states that both parents are responsible for the dependent child's health care expenses or health care coverage, the provisions of (h)(2)(A) must determine the order of benefits.

- (iii) if a court order states that the parents have joint custody without specifying that one parent has responsibility for the health care expenses or health care coverage of the dependent child, the provisions of (h)(2)(A) must determine the order of benefits.
- (iv) if there is no court order allocating responsibility for the dependent child's health care expenses or health care coverage, the order of benefits for the child is [are] as follows:
 - (I) the plan covering the custodial parent;
 - (II) the plan covering the spouse of the custodial parent;
 - (III) the plan covering the noncustodial parent; then
 - (IV) the plan covering the spouse of the noncustodial parent.
- (C) For a dependent child covered under more than one plan of individuals who are not the parents of the child, the provisions of (h)(2)(A) or (h)(2)(B) must determine the order of benefits as if those individuals were the parents of the child.
- (D) For a dependent child who has coverage under either or both parents' plans and has their [his or her] own coverage as a dependent under a spouse's plan, (h)(5) applies.
- (E) In the event the dependent child's coverage under the spouse's plan began on the same date as the dependent child's coverage under either or both parents' plans, the order of benefits must be determined by applying the birthday rule in (h)(2)(A) to the dependent child's parent(s) and the dependent's spouse.
- (3) Active, Retired, or Laid-off Employee. The plan that covers a person as an active employee, that is, an employee who is neither laid off nor retired, is the primary plan. The plan that covers that same person as a retired or laid-off employee is the secondary plan. The same would hold true if a person is a dependent of an active employee and that same person is a dependent of a retired or laid-off employee. If the plan that covers the same person as a retired or laid-off employee or as a dependent of a retired or laid-off employee does not have this rule, and as a result, the plans do not agree on the order of benefits, this rule does not apply. This rule does not apply if (h)(1) can determine the order of benefits.
- (4) COBRA or State Continuation Coverage. If a person whose coverage is provided under COBRA or under a right of continuation provided by state or other federal

law is covered under another plan, the plan covering the person as an employee, member, subscriber, or retiree or covering the person as a dependent of an employee, member, subscriber, or retiree is the primary plan, and the COBRA, state, or other federal continuation coverage is the secondary plan. If the other plan does not have this rule, and as a result, the plans do not agree on the order of benefits, this rule does not apply. This rule does not apply if (h)(1) can determine the order of benefits.

- (5) Longer or Shorter Length of Coverage. The plan that has covered the person as an employee, member, policyholder, subscriber, or retiree longer is the primary plan, and the plan that has covered the person the shorter period is the secondary plan.
- (6) If the preceding rules do not determine the order of benefits, the allowable expenses must be shared equally between the plans meeting the definition of plan. In addition, this plan will not pay more than it would have paid had it been the primary plan.

Effect on the Benefits of This Plan

- (a) When this plan is secondary, it may reduce its benefits so that the total benefits paid or provided by all plans are not more than the total allowable expenses. In determining the amount to be paid for any claim, the secondary plan will calculate the benefits it would have paid in the absence of other health care coverage and apply that calculated amount to any allowable expense under its plan that is unpaid by the primary plan. The secondary plan may then reduce its payment by the amount so that, when combined with the amount paid by the primary plan, the total benefits paid or provided by all plans for the claim equal 100 percent of the total allowable expense for that claim. In addition, the secondary plan must credit to its plan deductible any amounts it would have credited to its deductible in the absence of other health care coverage.
- (b) If a covered person is enrolled in two or more closed panel plans and if, for any reason, including the provision of service by a nonpanel provider, benefits are not payable by one closed panel plan, COB must not apply between that plan and other closed panel plans.

Compliance with Federal and State Laws Concerning Confidential Information

Certain facts about health care coverage and services are needed to apply these COB rules and to determine benefits payable under this plan and other plans. [Organization

responsible for COB administration] will comply with federal and state law concerning confidential information for the purpose of applying these rules and determining benefits payable under this plan and other plans covering the person claiming benefits. Each person claiming benefits under this plan must give [Organization responsible for COB administration] any facts it needs to apply those rules and determine benefits.

Facility of Payment

A payment made under another plan may include an amount that should have been paid under this plan. If it does, [Organization responsible for COB administration] may pay that amount to the organization that made that payment. That amount will then be treated as though it were a benefit paid under this plan. [Organization responsible for COB administration] will not have to pay that amount again. The term "payment made" includes providing benefits in the form of services, in which case "payment made" means the reasonable cash value of the benefits provided in the form of services.

Right of Recovery

If the amount of the payments made by [Organization responsible for COB administration] is more than it should have paid under this COB provision, it may recover the excess from one or more of the persons it has paid or for whom it has paid or any other person or organization that may be responsible for the benefits or services provided for the covered person. The "amount of the payments made" includes the reasonable cash value of any benefits provided in the form of services.

FORM COB NOTICE TX

What to know about coordination of benefits (COB)

Notice: This document is only a summary and does not cover every circumstance. Your benefits will be based on the official terms in your insurance contract. If you have questions, call your health plan at [company phone #] or the Texas Department of Insurance (TDI) Help Line at 800-252-3439.

It's common for families to have more than one health care plan. For example, this can happen if two parents both work and have family coverage through both employers.

When you have more than one health plan, state law allows your plan to follow a rule—called "coordination of benefits"—to decide how much each plan will pay when you have a claim. The goal is to make sure the two plans don't pay more than the total cost of the health care.

How do I know which plan will pay?

We will ask you what other health plans you and your family have. This will help us know if we are the "primary" or "secondary" payer. The primary plan always pays first when you have a claim. Any plan that doesn't have Texas COB rules will be primary, unless both plans say that the plan with Texas COB rules is primary.

This health plan will be the primary plan if:

- The claim is for your own health care expenses. There is an exception if you have Medicare and you and your spouse are retired.
- The claim is for your spouse who has Medicare and you aren't both retired.
- The claim is for your child who is covered by this plan and any of these are true:
 - You're married and your birthday is earlier in the year than your spouse's.
 - You're living with another person (whether or not you've ever been married to that person) and your birthday is earlier than that other person's birthday. This is called the "birthday rule."
 - You're separated or divorced and you told us about a court order that makes you responsible for your child's health care expenses.
 - You don't have a court order, but you have custody of your child.

We will also be primary when state or federal law require us to be. We will be secondary when the rules don't require us to be primary.

How do we pay if we're the primary plan?

When we're the primary plan, we'll pay your health care, just as if you didn't have another plan.

How do we pay if we're the secondary plan?

When we're the secondary plan, we don't pay until the primary plan has paid. We will then pay some or all of the allowable expenses that are left. An "allowable expense" is a health care expense that's covered by your health plan.

Cost differences

If there's a cost difference between what the plans can pay, we will usually base our payment on the higher amount. If one plan has a contract with the doctor or facility and the other doesn't, our combined payments won't be more than the contracted amount. HMOs and PPOs usually have contracts with the providers in their networks.

We might lower our payment to be sure that the amount both plans pay toward your claim combine to equal the total cost. We will credit you any amount we would have paid if you didn't have another plan toward our plan's deductible.

We won't pay any health care expenses that your primary plan didn't cover because you didn't follow its rules and procedures. For example, say your plan paid a lower amount because you didn't get a prior authorization for your health care like the plan requires. We won't pay the amount of the reduction because it isn't an allowable expense.



IN ADDITION

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

Office of Consumer Credit Commissioner

Notice of Rate Ceilings

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

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 02/05/24 - 02/11/24 is 18.00% for consumer¹ credit.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 02/05/24 - 02/11/24 is 18.00% for commercial² credit.

¹ Credit for personal, family, or household use.

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

TRD-202400364

Leslie L. Pettijohn

Commissioner

Office of Consumer Credit Commissioner

Filed: January 31, 2024

Credit Union Department

Application to Expand Field of Membership

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 Texas Dow Employees Credit Union, Lake Jackson, Texas, to expand its field of membership. The proposal would permit Employees of Army & Air Force Exchange Service who work in or are paid or supervised from its headquarters in Dallas, Texas, to be 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 from 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 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-202400267

Michael S. Riepen

Commissioner

Credit Union Department

Filed: January 25, 2024

Texas Education Agency

Public Notice Seeking Public Comment on Texas Education Agency's Perkins V State Plan State Determined Performance Levels

The Texas Education Agency (TEA) is inviting public comment on the Perkins V State Plan State Determined Performance Levels Section V developed pursuant to the Strengthening Career and Technical Education for the 21st Century Act signed by the president on July 31, 2018. The State Determined Performance Levels, as well as instructions for submitting public comments, are available on the TEA website at <https://tea.texas.gov/cte>.

Parties may also review the State Determined Performance Levels at the William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701, by contacting the TEA Division of College, Career, and Military Preparation at (512) 936-6060.

Procedures for Submitting Written Comments. TEA will accept written comments pertaining to the Texas Perkins V State Plan by mail to the TEA Division of College, Career, and Military Preparation, 1701 North Congress Avenue, Austin, Texas 78701-1494 or by email to ccmp@tea.texas.gov. Comments must be submitted by Monday, March 4, 2024.

Timetable for Finalizing the State Determined Performance Levels. After review and consideration of all public comments, TEA will make necessary or appropriate modifications and will post the final State Determined Performance Levels on the TEA website at <https://tea.texas.gov/cte>.

For more information, contact the TEA Division of College, Career, and Military Preparation by mail at 1701 North Congress Avenue, Austin, Texas 78701; by telephone at (512) 936-6060; or by email at ccmp@tea.texas.gov.

Issued in Austin, Texas, on January 31, 2024.

TRD-202400354

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Filed: January 31, 2024

State Board for Educator Certification

Correction of Error

The Texas Education Agency (TEA), on behalf of the State Board for Educator Certification, filed the proposed repeal of and new 19 TAC Chapter 228, Requirements for Educator Preparation Programs, published in the December 29, 2023, issue of the *Texas Register* (48 TexReg 8100).

Due to error as submitted by TEA, the acronym "TEA" should be defined in §228.13(a). The text should read as follows:

(a) An educator preparation program (EPP) under this chapter shall be reviewed at least once every five years; however, a review may be conducted at any time at the discretion of Texas Education Agency

(TEA) staff. Beginning with the 2026-2027 academic year, continuing approval reviews will evaluate implementation of the requirements of this chapter, including implementation during the 2025-2026 academic year.

Due to error as submitted by TEA, the word "including" should be replaced with the word "or" at the end of §228.101(a)(7). The text should read as follows:

(7) three years of creditable experience, as defined by Chapter 153, Subchapter CC, of this title (relating to Commissioner's Rules on Creditable Years of Service), in the class in which supervision is provided, or:

TRD-202400349

Cristina De La Fuente-Valadez

Director, Rulemaking

State Board for Educator Certification

Filed: January 31, 2024

Texas Commission on Environmental Quality

Agreed Orders

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075, requires that before the commission may approve the AOs, the commission shall allow the public an opportunity to submit written comments on the proposed AOs. TWC, §7.075, requires that notice of the proposed orders and the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **March 12, 2024**. TWC, §7.075, also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A copy of each proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building C, 1st Floor, Austin, Texas 78753, (512) 239-2545 and at the applicable regional office listed as follows. Written comments about an AO should be sent to the enforcement coordinator designated for each AO at the commission's central office at P.O. Box 13087, Austin, Texas 78711-3087 and must be received by 5:00 p.m. on **March 12, 2024**. Written comments may also be sent by facsimile machine to the enforcement coordinator at (512) 239-2550. The commission's enforcement coordinators are available to discuss the AOs and/or the comment procedure at the listed phone numbers; however, TWC, §7.075, provides that comments on the AOs shall be submitted to the commission in writing.

(1) COMPANY: ANJALI and MAYA CORPORATION dba Park In Beverages; DOCKET NUMBER: 2022-0117-PST-E; IDENTIFIER: RN104215330; LOCATION: Denison, Grayson County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.50(b)(1)(A) and TWC, §26.3475(c)(1), by failing to monitor the underground storage tanks in a manner which will detect a release at a frequency of at least once every 30 days; PENALTY: \$3,000; ENFORCEMENT COORDINATOR: Harley

Hobson, (512) 239-1337; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(2) COMPANY: City of Alvarado; DOCKET NUMBER: 2022-0660-MWD-E; IDENTIFIER: RN101917334; LOCATION: Alvarado, Johnson County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: 30 TAC §305.125(1), TWC, §26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit Number WQ0010567002, Effluent Limitations and Monitoring Requirements Number 1, by failing to comply with permitted effluent limitations; PENALTY: \$108,750; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$87,000; ENFORCEMENT COORDINATOR: Harley Hobson, (512) 239-1337; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(3) COMPANY: City of Aspermont; DOCKET NUMBER: 2022-0122-PWS-E; IDENTIFIER: RN101403764; LOCATION: Aspermont, Stonewall County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.41(c)(3)(K), by failing to seal the wellhead by a gasket or sealing compound and provide a well casing vent that is covered with 16-mesh or finer corrosion-resistant screen, facing downward, elevated and located so as to minimize the drawing of contaminants into the well; 30 TAC §290.41(c)(3)(L), by failing to provide a well blow-off line that terminates in a downward direction and at a point which will not be submerged by flood waters; 30 TAC §290.41(c)(3)(O), by failing to protect all well units with an intruder-resistant fence with a lockable gate or enclose the well in a locked and ventilated well house to exclude possible contamination or damage to the facilities by trespassers; 30 TAC §290.41(c)(3)(Q), by failing to ensure that all openings to the atmosphere are covered with a 16-mesh or finer corrosion-resistant screening material or an acceptable equivalent; 30 TAC §290.42(e)(4)(C), by failing to provide adequate ventilation which includes high level and floor level screened vents for all enclosures in which chlorine gas is being stored or fed; 30 TAC §290.42(f)(1), by failing to design the Aspermont liquid ammonium sulfate (LAS) day tank facility and the containment for the LAS day tank at the Rule Pump Station to ensure a reliable supply of chemicals to the feeders, minimize the possibility and impact of accidental spills, and facilitate good housekeeping; 30 TAC §290.43(c)(3), by failing to maintain the facility's storage tanks in strict accordance with current American Water Works Association standards with an overflow pipe that terminates downward with a gravity-hinged and weighted cover tightly fitted with no gap over 1/16 inch; 30 TAC §290.43(e), by failing to ensure that all potable water storage tanks and pressure maintenance facilities are installed in a lockable building that is designed to prevent intruder access or enclosed by an intruder-resistant fence with lockable gates; 30 TAC §290.44(h)(4), by failing to have all backflow prevention assemblies (BPAs) tested upon installation and on an annual basis by a recognized BPA tester and certified that they are operating within specifications; 30 TAC §290.46(f)(3)(A)(i)(II), by failing to maintain water works operations and maintenance records and make them readily available for review by the Executive Director upon request; 30 TAC §290.46(j), by failing to complete a Customer Service Inspection certificate prior to providing continuous service to new construction or any existing service when the water purveyor has reason to believe cross-connections or other potential contamination hazards exist, or after any material improvements, corrections, or additions to the private water distribution facilities; 30 TAC §290.46(l), by failing to flush all dead-end mains at monthly intervals; 30 TAC §290.46(m), by failing to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment; 30 TAC §290.46(m)(4), by failing to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight

condition and free of excessive solids; 30 TAC §290.46(n)(1), by failing to maintain at the public water system accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank until the facility is decommissioned; 30 TAC §290.46(s)(1), by failing to calibrate the facility's four well meters at least once every three years; 30 TAC §290.46(s)(2)(C)(i), by failing to verify the accuracy of the manual disinfectant residual analyzer at least once every 90 days using chlorine solutions of known concentrations; 30 TAC §290.46(s)(2)(D), by failing to verify the accuracy of the analyzer used to determine the effectiveness of chloramination at least once every 90 days; 30 TAC §290.46(z), by failing to create a nitrification action plan for all systems distributing chloraminated water; 30 TAC §290.110(c)(4)(C), by failing to monitor the disinfectant residual at representative locations throughout the distribution system at least once per day; and 30 TAC §290.110(c)(5), by failing to conduct chloramine effectiveness sampling to ensure that monochloramine is the prevailing chloramine species and that nitrification is controlled; PENALTY: \$12,980; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$10,384; ENFORCEMENT COORDINATOR: Epifanio Villarreal, (361) 881-6991; REGIONAL OFFICE: 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas 78401, (361) 881-6900.

(4) COMPANY: City of Kerrville; DOCKET NUMBER: 2021-0795-WQ-E; IDENTIFIER: RN100844802; LOCATION: Kerrville, Kerr County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: 30 TAC §210.4(a), by failing to notify and obtain written approval from the Executive Director before providing reclaim water to another for use; and TWC, §26.121(a)(1), by failing to prevent an unauthorized discharge of sewage into or adjacent to any water in the state; PENALTY: \$20,175; ENFORCEMENT COORDINATOR: Taylor Williamson, (512) 239-2097; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(5) COMPANY: City of Oglesby; DOCKET NUMBER: 2021-1623-MWD-E; IDENTIFIER: RN101918704; LOCATION: Oglesby, Coryell County; TYPE OF FACILITY: wastewater treatment plant; RULES VIOLATED: 30 TAC §305.125(1), TWC, §26.121(a)(1), and Texas Pollutant Discharge Elimination System (TPDES) Permit Number WQ0010914001, Effluent Limitations and Monitoring Requirements Number 1, by failing to comply with permitted effluent limitations; and 30 TAC §305.125(1) and (17), and TPDES Permit Number WQ0010914001, Sludge Provisions Reporting Requirements, by failing to timely submit monitoring results at the intervals specified in the permit; PENALTY: \$40,600; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$40,600; ENFORCEMENT COORDINATOR: Cheryl Thompson, (817) 588-5865; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(6) COMPANY: City of Pleasanton; DOCKET NUMBER: 2022-0762-MWD-E; IDENTIFIER: RN102185311; LOCATION: Pleasanton, Atascosa County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: 30 TAC §305.125(1), TWC, §26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit Number WQ0010598001, Effluent Limitations and Monitoring Requirements Number 1, by failing to comply with permitted effluent limitations; PENALTY: \$45,000; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$45,000; ENFORCEMENT COORDINATOR: Monica Larina, (361) 881-6965; REGIONAL OFFICE: 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas 78401, (361) 881-6900.

(7) COMPANY: G. S. C. J., INCORPORATED dba Johnson Shell; DOCKET NUMBER: 2022-0260-PST-E; IDENTIFIER: RN101730976; LOCATION: Beaumont, Jefferson County; TYPE OF

FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.45(d)(1)(E)(v) and §334.48(g)(1)(A)(ii), (B), and (h)(1)(A)(i), and TWC, §26.3475(c)(2), by failing to maintain under-dispenser containment sumps in a manner that assures that its sides, bottoms, and any penetration points are liquid tight and test them at least once every three years for tightness, additionally, failing to test the spill prevention equipment at least once every three years to ensure the equipment is liquid tight, also, failing to inspect the overfill prevention equipment at least once every three years, and, in addition, failing to conduct a walkthrough inspection for the spill prevention equipment at least once every 30 days; 30 TAC §334.50(b)(1) and (2) (A)(i)(III), and TWC, §26.3475(a) and (c)(1), by failing to monitor the underground storage tanks in a manner which will detect a release at a frequency of at least once every 30 days, and failing to test the line leak detectors at least once per year for performance and operational reliability; 30 TAC §334.72, by failing to report a suspected release of a regulated substance within 24 hours of discovery; 30 TAC §334.74, by failing to investigate and confirm all suspected releases of regulated substances requiring reporting under 30 TAC §334.72 within 30 days; and 30 TAC §334.605(d), by failing to re-train a certified Class A and Class B operator by January 1, 2020, with a course submitted to and approved by the TCEQ after April 1, 2018; PENALTY: \$24,346; ENFORCEMENT COORDINATOR: Karolyn Kent, (512) 239-2536; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(8) COMPANY: Harris County Municipal Utility District Number 157; DOCKET NUMBER: 2022-0473-MWD-E; IDENTIFIER: RN101609428; LOCATION: Houston, Harris County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: 30 TAC §305.125(1), TWC, §26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit Number WQ0011906001, Effluent Limitations and Monitoring Requirements Number 1, by failing to comply with permitted effluent limitations; PENALTY: \$24,375; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$24,375; ENFORCEMENT COORDINATOR: Monica Larina, (361) 881-6965; REGIONAL OFFICE: 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas 78401, (361) 881-6900.

(9) COMPANY: Harris County Municipal Utility District Number 387; DOCKET NUMBER: 2021-1571-MWD-E; IDENTIFIER: RN103907028; LOCATION: Spring, Harris County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: 30 TAC §305.125(1), TWC, §26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit Number WQ0014347001, Interim II Effluent Limitations and Monitoring Requirements Number 1, by failing to comply with permitted effluent limitations; PENALTY: \$9,000; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$7,200; ENFORCEMENT COORDINATOR: Monica Larina, (361) 881-6965; REGIONAL OFFICE: 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas 78401, (361) 881-6900.

(10) COMPANY: Jacob Transportation Incorporated; DOCKET NUMBER: 2022-0413-MSW-E; IDENTIFIER: RN110868171; LOCATION: Groves, Jefferson County; TYPE OF FACILITY: truck hauling business; RULES VIOLATED: 30 TAC §324.4(1) and 40 Code of Federal Regulations §279.22(d)(3), by failing to dispose of used oil in a manner that does not endanger public health or the welfare of the environment; 30 TAC §327.5(a), by failing to immediately abate and contain a discharge or spill; and 30 TAC §330.15(c), by failing to not cause, suffer, allow, or permit the unauthorized disposal of municipal solid waste; PENALTY: \$7,425; ENFORCEMENT COORDINATOR: Stephanie McCurley, (512) 239-2607; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(11) COMPANY: ORE CITY VALERO LLC dba Dry Creek 2; DOCKET NUMBER: 2023-0944-PST-E; IDENTIFIER: RN101841682; LOCATION: Ore City, Upshur County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.10(b)(2), by failing to assure that all underground storage tank (UST) recordkeeping requirements are met; and 30 TAC §334.50(b)(1)(A) and (B) and TWC, §26.3475(c)(1), by failing to monitor the USTs for releases in a manner which will detect a release at a frequency of at least once every 30 days, and failing to monitor the UST for releases in a manner which will detect a release at a frequency of at least once every 30 days by using interstitial monitoring for tanks installed on or after January 1, 2009; PENALTY: \$3,575; ENFORCEMENT COORDINATOR: Eunice Adegelu, (512) 239-5082; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(12) COMPANY: Texas Department of Transportation; DOCKET NUMBER: 2022-1708-PST-E; IDENTIFIER: RN101869105; LOCATION: La Pryor, Zavala County; TYPE OF FACILITY: fleet refueling facility; RULES VIOLATED: 30 TAC §334.50(b)(1)(A) and TWC, §26.3475(c)(1), by failing to monitor the underground storage tanks in a manner which will detect a release at a frequency of at least once every 30 days; PENALTY: \$3,375; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$2,700; ENFORCEMENT COORDINATOR: Tiffany Chu, (817) 588-5891; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

TRD-202400328

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: January 30, 2024



Enforcement Orders

An agreed order was adopted regarding CEMEX Construction Materials South, LLC, Docket No. 2021-0740-EAQ-E on January 30, 2024 assessing \$7,500 in administrative penalties with \$1,500 deferred. Information concerning any aspect of this order may be obtained by contacting Mark Gamble, 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 Ronan Bailey Smith dba Starlite Mobile Home Park, Docket No. 2022-0358-PWS-E on January 30, 2024 assessing \$4,280 in administrative penalties with \$856 deferred. Information concerning any aspect of this order may be obtained by contacting Miles Wehner, 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 George R. Brown Partnership, L.P., Docket No. 2022-1627-AIR-E on January 30, 2024 assessing \$1,675 in administrative penalties with \$335 deferred. Information concerning any aspect of this order may be obtained by contacting Mackenzie Mehlmann, 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 Shubh Mahadev, Inc. dba Amigo Mart, Docket No. 2023-0612-PST-E on January 30, 2024 assessing \$7,231 in administrative penalties with \$1,446 deferred. Information concerning any aspect of this order may be obtained by contacting Tiffany Chu, 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 Praxis Companies, LLC, Docket No. 2023-0796-AIR-E on January 30, 2024 assessing \$3,250 in administrative penalties with \$650 deferred. Information concerning any aspect of this order may be obtained by contacting Karyn Olschesky, 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 QUAIL VALLEY COUNTRY LLC, Docket No. 2023-0911-PST-E on January 30, 2024 assessing \$4,621 in administrative penalties with \$924 deferred. Information concerning any aspect of this order may be obtained by contacting Eunice Adegelu, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding W. L. Tillis, Jr. dba Tillis Tire & Detail, Docket No. 2023-0981-PST-E on January 30, 2024 assessing \$3,160 in administrative penalties with \$632 deferred. Information concerning any aspect of this order may be obtained by contacting Eunice Adegelu, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was adopted regarding Cleburne Storage, LLC, Docket No. 2023-1095-WQ-E on January 30, 2024 assessing \$875 in administrative penalties. Information concerning any aspect of this citation may be obtained by contacting Shane Glantz, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was adopted regarding Brandon King, Docket No. 2023-1582-WR-E on January 30, 2024 assessing \$350 in administrative penalties. Information concerning any aspect of this citation may be obtained by contacting Shane Glantz, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-202400374

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: January 31, 2024



Notice of a Public Meeting and a Proposed Renewal with Amendment of General Permit TXG920000 Authorizing the Discharge of Wastes from Concentrated Animal Feeding Operations

The Texas Commission on Environmental Quality (TCEQ or commission) is proposing to renew and amend Texas Pollutant Discharge Elimination System/State General Permit TXG920000. This general permit authorizes the discharge of manure, sludge, and wastewater into or adjacent to water in the state by Concentrated Animal Feeding Operations (CAFOs) only during chronic or catastrophic rainfall events, or catastrophic conditions that cause an overflow. This general permit is authorized by Texas Water Code, §26.040 and under provisions of federal Clean Water Act §402.

DRAFT GENERAL PERMIT. The executive director has prepared a draft general permit renewal, with amendments, of an existing general permit that authorizes the discharge of manure, sludge, and wastewater into or adjacent to water in the state by CAFOs properly designed, con-

structured, operated, and maintained under the provisions of this general permit. Manure, sludge, and wastewater generated by a CAFO shall be retained and used in an appropriate and beneficial manner as provided in this general permit. No significant degradation of high-quality waters is expected and existing uses will be maintained and protected. The executive director requires regulated entities to submit a Notice of Intent, for a large CAFO, and a Nutrient Management Plan to obtain authorization under the general permit.

The executive director has reviewed this action for consistency with the goals and policies of the Texas Coastal Management Program (CMP) according to General Land Office regulations and has determined that the action is consistent with applicable CMP goals and policies.

On the date that this notice is published, a copy of the draft general permit and fact sheet will be available for a minimum of 30 days for viewing and copying at the TCEQ Office of the Chief Clerk located at the TCEQ Austin office, at 12100 Park 35 Circle, Building F. These documents will also be available at the TCEQ's 16 regional offices and on the TCEQ website at <https://www.tceq.texas.gov/permitting/wastewater/general/index.html>

PUBLIC COMMENT/PUBLIC MEETING. You may submit public comments about this general permit in writing or orally at the public meeting held by the TCEQ. The purpose of a public meeting is to provide an opportunity to submit comments and to ask questions about the general permit. A public meeting is not a contested case hearing. The public comment period will end at the conclusion of the public meeting. **The public meeting will be held at 1:00 p.m., February 20, 2024, TCEQ, 12100 Park 35 Circle, Building F, Room 2210, Austin, Texas 78753.**

Written public comments must be received by the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087 or electronically by selecting comment about pending permit applications at <http://www14.tceq.texas.gov/epic/eComment/> by the end of the public comment period on February 20, 2024.

APPROVAL PROCESS. After the comment period, the executive director will consider all the public comments and prepare a written response. The response will be filed with the TCEQ Office of the Chief Clerk at least 10 days before the scheduled commission meeting when the commission will consider approval of the general permit. The commission will consider all public comments in making its decision and will either adopt the executive director's response or prepare its own response. The commission will issue its written response on the general permit at the same time the commission issues or denies the general permit. A copy of any issued general permit and response to comments will be made available to the public for inspection at the agency's Austin office. A notice of the commissioners' action on the draft general permit and information on how to access the response to comments will be mailed to each person who submitted a comment. Also, a notice of the commission's action on the draft general permit and the text of its response to comments will be published in the *Texas Register*.

MAILING LISTS. In addition to submitting public comments, you may ask to be placed on a mailing list to receive future public notices mailed by the TCEQ Office of the Chief Clerk. You may request to be added to: 1) the mailing list for this specific general permit; 2) the permanent mailing list for a specific county; or 3) both. Clearly specify the mailing lists to which you wish to be added and send your request to the TCEQ Office of the Chief Clerk at the address previously mentioned. Unless you otherwise specify, you will be included only on the mailing list for this specific general permit.

INFORMATION. If you need more information about this general permit or the permitting process, please call the TCEQ Public Educa-

tion Program, toll free, at (800) 687-4040. General information about the TCEQ can be found at our website at: <https://www.tceq.texas.gov/>.

Further information may also be obtained by calling Ms. Joy Alabi, Water Quality Division, at (512) 239-1318.

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

TRD-202400346

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: January 31, 2024



Notice of a Public Meeting on an Application for a Water Use Permit Application No. 13775

Enbridge Ingleside Oil Terminal, LLC seeks a water use permit to divert 500 acre-feet of water per year from a reach on Corpus Christi Bay, San Antonio-Nueces Coastal Basin, for industrial purposes in San Patricio County. More information on the application and how to participate in the permitting process is given below.

APPLICATION. Enbridge Ingleside Oil Terminal, LLC, 1450 Lexington Road, Ingleside, Texas 78362, Applicant, has applied to the Texas Commission on Environmental Quality (TCEQ) for a Water Use Permit pursuant to Texas Water Code (TWC) § 11.121 and TCEQ Rules Title 30 Texas Administrative Code (TAC) §295.1, et seq. Published and mailed notice to the water right holders of record in the San Antonio-Nueces Coastal Basin is required pursuant to Title 30 TAC §295.152 and §295.153.

Applicant seeks a water use permit to divert and use not to exceed 500 acre-feet of water per year from a diversion reach on Corpus Christi Bay, San Antonio-Nueces Coastal Basin, at a maximum combined diversion rate of 222.8 cfs (100,000 gpm), for industrial purposes in San Patricio County.

The proposed upstream diversion point is located at Latitude 27.821405° N, Longitude 97.209573° W and the proposed downstream diversion point is located at Latitude 27.820763° N, Longitude 97.203362° W within ZIP code 78362.

The application and fees were received on July 27, 2021. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on August 11, 2021. Additional information was received on October 12, and December 2, 2022.

The Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if granted, would include special conditions, including, but not limited to, installation of screens at diversion structures. The application, technical memorandum, and Executive Director's draft permit are available for viewing on the TCEQ webpage at https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/view-wr-pend-apps. Alternatively, you may request a copy of the documents by contacting the TCEQ Office of the Chief Clerk by phone at (512) 239-3300 or by mail at TCEQ OCC, Notice Team (MC-105), P.O. Box 13087, Austin, Texas 78711.

PUBLIC COMMENT / PUBLIC MEETING. You may submit public comments to the Office of the Chief Clerk at the address below. 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 is encouraged to ask questions of the applicant and TCEQ staff concerning the permit application and the Executive Director's recommendations, but the comments and questions submitted orally

during the Informal Discussion Period will not be considered by the Commissioners and no formal response will be made. Responses will be provided orally during the Informal Discussion Period. During the Formal Comment Period, members of the public may state their formal comments orally into the official record. The Executive Director will subsequently summarize the formal comments and prepare a written response which will be considered by the Commissioners before they reach a decision on the application. The Executive Director's written response will be available to the public online or upon request. The public comment period on this application concludes at the close of the public meeting.

The Public Meeting is to be held:

Thursday, February 29, 2024 at 7:00 p.m.

Northshore Country Club

801 East Broadway Avenue

Portland, Texas 78374

Additional information will be available on the agency calendar of events at the following link: <https://www.tceq.texas.gov/agency/decisions/hearings/calendar.html>.

INFORMATION. Citizens are encouraged to submit written comments anytime during the public meeting. Citizens may mail their comments to the Office of the Chief Clerk, TCEQ, Mail Code MC-105, P.O. Box 13087, Austin, Texas 78711-3087 or submit them electronically at <http://www14.tceq.texas.gov/epic/eComment/> by entering WR-PERM 13775 in the search field before the public comment period closes.

For additional information, individual members of the general public may contact **the Public Education Program** at (800) 687-4040. General information regarding the TCEQ can be found at our website at www.tceq.texas.gov. Si desea información en español, puede llamar al (800) 687-4040 o por el internet al <http://www.tceq.texas.gov>.

Persons with disabilities who need special accommodations at the public 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.

Issued: January 25, 2024

TRD-202400369

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: January 31, 2024



Notice of Application and Preliminary Decision for TPDES Permit for Municipal Wastewater Renewal and Notice of a Pretreatment Program Substantial Modification Permit No. WQ0010501020

Notices Issued January 30, 2024

APPLICATION AND PRELIMINARY DECISION. City of Beaumont, P.O. Box 3827, Beaumont, Texas 77704, has applied to the Texas Commission on Environmental Quality (TCEQ) for a renewal of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0010501020, which authorizes the discharge of treated domestic wastewater at an annual average flow not to exceed 46,000,000 gallons per day. A substantial modification to the approved pretreatment program has also been included. TCEQ received this application on August 1, 2023.

The facility is located at 4900 Lafin Drive, in the City of Beaumont, Jefferson County, Texas 77705. The treated effluent is discharged to a natural wetland, thence to Hillebrandt Bayou in Segment No. 0704 of the Neches-Trinity Coastal Basin. The unclassified receiving water use is minimal aquatic life use for the natural wetland. The designated uses for Segment No. 0704 are primary contact recreation and intermediate aquatic life use. 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=-94.133373,30.035105&level=18>

The applicant has applied to the TCEQ for approval of a substantial modification to its approved pretreatment program under the TPDES program. The request for approval complies with both federal and state requirements. The substantial modification will be approved without change if no substantive comments are received within 30 days of notice publication.

Approval of the request for modification to the approved pretreatment program will allow the applicant to revise their technically based local limits (TBLs), and ordinance which incorporates such revisions. The following treatment works facilities will be subject to the requirements of the pretreatment program: TPDES Permit No WQ0010501020.

The TCEQ Executive Director has completed the technical review of the application, the pretreatment program substantial modification, 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 Executive Director has also made a preliminary decision that the requested substantial modification to the approved pretreatment program, if approved, meets all statutory and regulatory requirements. The permit application, Executive Director's preliminary decision, and draft permit, and pretreatment program substantial modification are available for viewing and copying at the Beaumont City Hall, 801 Main Street, Beaumont, Texas.

PUBLIC COMMENT / PUBLIC MEETING. You may submit public comments or request a public meeting about this application or the application for substantial modification of the pretreatment program. The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application or the application for the substantial modification of the pretreatment program. TCEQ holds a public meeting if the Executive Director determines that there is a significant degree of public interest in the application or application for substantial modification of the pretreatment program if requested by a local legislator. A public meeting is not a contested case hearing.

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. There is no opportunity to request a contested case hearing on the application for substantial modification of the pretreatment program. 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. TCEQ may act on an application to renew a permit for discharge of wastewater without providing an opportunity for a contested case hearing if certain criteria are met.

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.

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, the application for substantial modification of the pretreatment program, 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 Beaumont at the address stated above or by calling Mr. Kenneth R. Williams at (409) 880-3708.

TRD-202400373

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: January 31, 2024



Notice of Availability of the Draft 2024 Texas Integrated Report of Surface Water Quality for the Federal Clean Water Act, §305(b) and §303(d)

The Texas Commission on Environmental Quality (TCEQ) announces the availability of the draft 2024 Texas Integrated Report of Surface Water Quality (IR), for review and comment by the public starting February 9, 2024, through March 12, 2024 (comment period). The IR is developed and submitted to the United States Environmental Protection Agency (EPA) for approval as a requirement of the federal Clean Water Act, sections 305(b) and 303(d). The IR is an overview of the status of surface water bodies in Texas. Factors considered in evaluating the status of surface water bodies include concerns for public health, viability for use by aquatic species and other wildlife, and specific pollutants and their potential sources. The IR includes summaries of Texas water bodies that do not support beneficial uses or water quality criteria and those water bodies that demonstrate cause for concern. The IR supports TCEQ water quality standards revisions, total maximum daily loads, watershed protection plans, water quality management activities including monitoring, and best management practices to control pollution sources.

Draft 2024 IR Information

The draft 2024 IR will be available on TCEQ's website at the following address:

https://www.tceq.texas.gov/waterquality/assessment/public_comment.

Information regarding the public comment period may also be found at the above web address. Review and comment on individual waterbodies and the summaries, as described in the draft 2024 IR found at the web address above, are encouraged until the end of the comment period on March 12, 2024.

After the public comment period for the draft 2024 IR ends on March 12, 2024, TCEQ will evaluate all comments received. Changes made in response to any comments submitted will be reflected in the draft 2024 IR that will be submitted to the United States Environmental Protection Agency (EPA) for approval.

Public Comments

TCEQ will respond to comments received during the comment period in a "Response to Comments" document (RTC). The RTC and the draft 2024 IR will be posted on the website when TCEQ sends the draft 2024 IR to EPA. Comments must be submitted in writing via e-mail, post, or special delivery by 5:00 p.m. on March 12, 2024, and will not be accepted by phone.

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

◆ ◆ ◆
Notice of District Petition

Notice issued January 24, 2024

TCEQ Internal Control No. D-11222023-098; 45 2021 FII Marion, LLC, a Texas limited liability company, (Petitioner) filed a petition for creation of Marion Oaks Municipal Utility District of Guadalupe 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 are five lienholders, James B. Smith, Jr., Ellen S. Fortunato, Terrell S. Minton, James Bursleson Smith III, and Kealoha Malie Minton, on the property to be included in the proposed District and the lienholders consent to the creation of the proposed District; (3) the proposed District will contain approximately 575.3 acres located within Guadalupe County, Texas; and (4) the land within the proposed District is entirely within the extraterritorial jurisdiction of the City of Marion. By Resolution No. 2023-05, passed and approved on April 10, 2023, the City of Marion, Texas, gave its consent to the creation of the proposed District, pursuant to Texas Water Code §54.016. The petition further states that the proposed District will: (1) purchase, construct, acquire, repair, extend and improve land, easements, works, improvements, facilities, plants, equipment and appliances necessary to provide water supply for municipal and domestic purposes; purchase, construct, acquire, repair, extend and improve land, easements, works, improvements, facilities, plants, equipment and appliances necessary to collect, transport, process, dispose of and control all domestic, industrial, or communal wastes whether in fluid, solid, or composite state; (3) purchase, construct, acquire, repair, extend and improve land, easements, works, improvements, facilities, plants, equipment and appliances necessary to gather, conduct, divert and control local storm water or other local harmful excesses of water in the proposed District and the payment of organization expenses, operational expenses during construction and interest during construction; purchase, construct, acquire, repair, extend and improve land, easements, works, improvements, facilities, plants, equipment and appliances necessary to design, acquire, construct, finance, improve, operate, and maintain macadamized, graveled, or paved roads, or improvements in aid of those roads; purchase, construct, acquire, repair, extend and improve land, easements, works, improvements, facilities, plants, equipment and appliances necessary to provide such other facilities, systems, plants and enterprises as shall be consonant with the purposes for which the proposed District is created and permitted under state law. 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 \$168,307,821 (\$81,480,528 for water, wastewater, and drainage plus \$86,827,293 for roads).

INFORMATION SECTION

To view the complete issued notice, view the notice on our web site 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 web site, type in the issued date range shown at the top of this document to obtain search results.

The TCEQ may grant a contested case hearing on the petition if a written hearing request is filed within 30 days after the newspaper publication of the notice. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below. The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court. Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Review Team, at (512) 239-4691. Si desea información en español, puede llamar al (512) 239-0200. General information regarding TCEQ can be found at our web site at www.tceq.texas.gov.

TRD-202400366
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: January 31, 2024

◆ ◆ ◆
Notice of District Petition

Notice issued January 25, 2024

TCEQ Internal Control No. D-07282023-064; The Colony Municipal Utility District No. 1A (the "District") of Bastrop County filed an application with the Texas Commission on Environmental Quality (TCEQ) for District to levy impact fees of \$8,134 per equivalent single-family connection for capital improvements. The District files this application under the District of Chapter 395 of the Local Government Code, 30 Texas Administrative Code Chapter 293, and the procedural rules of the TCEQ. The purpose of impact fees is to generate revenue to recover the costs of capital improvements or facility expansions made necessary by and attributable to serving new development in the District's service areas. At the direction of the District, a registered engineer has prepared a capital improvements plan (CIP) for the system that identifies the capital improvements or facility expansions and their costs for which the impact fees will be assessed. The impact fee application and supporting information are available for inspection and copying during regular business hours in the Districts Section of the Water Supply Division, Third Floor of Building F (in the TCEQ Park 35 Office Complex located between Yager and Braker lanes on North IH-35), 12100 Park 35 Circle, Austin, Texas 78753. A copy of the impact fee application and supporting information, as well as the CIP, is available for inspection and copying at the District's office during regular business hours.

INFORMATION SECTION

To view the complete issued notice, view the notice on our web site at www.tceq.texas.gov/agency/cc/pub_notice.html or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the website, type in the issued date range shown at the top of this document to obtain search results.

The TCEQ may grant a contested case hearing on the petition if a written hearing request is filed within 30 days after the newspaper publication of the notice. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below. The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court. Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Review Team, at (512) 239-4691. Si desea información en español, puede llamar al (512) 239-0200. General information regarding TCEQ can be found at our web site at www.tceq.texas.gov.

TRD-202400368
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: January 31, 2024



Notice of District Petition

Notice issued January 26, 2024

TCEQ Internal Control No. D-12202023-023; Schulle Farm Partners, L.P., (Petitioner) filed a petition for creation of Caldwell County Municipal Utility District No. 8 (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, Independent Bank, on the property to be included in the proposed District and the lienholder consents to the creation of the proposed District; (3) the proposed District will contain approximately 226.626 acres located within Caldwell 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 purchase, construct, acquire, repair, extend and improve land, easements, works, improvements, facilities, plants, equipment, and ap-

pliances necessary to: (1) provide water supply for municipal uses, domestic uses, and commercial purposes; (2) collect, transport, process, dispose of, and control, all domestic, industrial, or communal wastes whether in fluid, solid, or composite state; (3) gather, conduct, divert, and control local storm water or other local harmful excesses of water in the proposed District and the payment of organization expenses and operational expenses during construction and interest during construction; (4) design, acquire, construct, finance, improve, operate, and maintain macadamized, graveled, or paved roads, or improvements in aid of those roads; and (5) provide such other 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 Petitioners that the cost of said project will be approximately \$27,720,678 (\$16,364,982 for water, wastewater, and drainage and \$11,355,696 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-202400370
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: January 31, 2024



Notice of District Petition

Notice issued January 31, 2024

TCEQ Internal Control No. D-12192023-022; 45 Mustang Ridge Landco, LLC, a Texas limited liability company (Petitioner), filed a petition for creation of Travis County Municipal Utility District No. 32 (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, Guaranty Bank & Trust, N.A., on the property to be included in the proposed District and information provided indicates the aforementioned entity consents to the creation of the proposed District; (3) the proposed District will contain approximately 98.50 acres located within Travis County, Texas; and (4) the land within the proposed District is wholly within the corporate limits of City of Mustang Ridge, Texas. By Resolution No. 23-233, passed and approved on November 20, 2023, the City of Mustang Ridge, Texas, gave its consent to the creation of the proposed District, pursuant to Texas Water Code §54.016. The petition further states that the proposed District will purchase, construct, acquire, repair, extend and improve land, easements, works, improvements, facilities, plants, equipment, and appliances necessary to: (1) provide a water supply for municipal uses, domestic uses and commercial purposes; (2) collect, transport, process, dispose of and control all domestic, industrial, or communal wastes whether in fluid, solid, or composite state; (3) gather, conduct, divert and control local storm water or other local harmful excesses of water in the proposed District and payment of organization expenses, operational expenses during construction and interest during construction; (4) design, acquire, construct, finance, improve, operate, and maintain macadamized, gravelled, or paved roads, or improvements in aid of those roads; (5) purchase, construct, acquire, provide, operate, maintain, repair, improve, extend, and develop park and recreation facilities for the inhabitants of the proposed District; and, (6) to provide such other facilities, systems, plants and enterprises as shall be consonant with the purposes for which the purposes for which the proposed District is created and permitted under state law. 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 \$16,650,000 (\$11,640,000 for water, wastewater, and drainage plus \$5,010,000 for roads)

INFORMATION SECTION

To view the complete issued notice, view the notice on our web site 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 web site, type in the issued date range shown at the top of this document to obtain search results.

The TCEQ may grant a contested case hearing on the petition if a written hearing request is filed within 30 days after the newspaper publication of the notice. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below. The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30

days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court. Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Review Team, at (512) 239-4691. Si desea información en español, puede llamar al (512) 239-0200. General information regarding TCEQ can be found at our web site at www.tceq.texas.gov.

TRD-202400371

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: January 31, 2024



Notice of Issuance of Amendment to Air Quality Standard Permit for Concrete Batch Plants

The Texas Commission on Environmental Quality (TCEQ or commission) issues an amendment to the Non-Rule Air Quality Standard Permit for Concrete Batch Plants (CBPs) in accordance with 30 Texas Administrative Code (TAC) §116.605, Standard Permit Amendment and Revocation. The amendment includes revisions to certain provisions of the standard permit to reflect the results of an updated Air Quality Analysis (AQA) that was recently conducted by the commission. The AQA is a report containing information that demonstrates that emissions at a CBP authorized by this standard permit would not cause or contribute to a violation of the National Ambient Air Quality Standards (NAAQS), exceed a state property line standard, or adversely affect human health and the environment. The amended standard permit is effective on January 24, 2024.

Copies of the standard permit and summary can be obtained from the commission's website at:

<https://www.tceq.texas.gov/permitting/air/nav/standard.html>. For further information, please contact Michael Wilhoit, Air Permits Division, at (512) 239-1222.

Explanation and Background of Air Quality Standard Permit

The New Source Review Program under Chapter 116 requires any person who plans to construct any new facility or to engage in the modifications of any existing facility which may emit air contaminants into the air of the state to obtain a permit pursuant to §116.110, Applicability, or satisfy the conditions of a standard permit, a flexible permit, or a permit by rule, before any actual work is begun on the facility. A standard permit authorizes the construction or modification of new or existing facilities which are similar in terms of operations, processes, and emissions.

The standard permit provides a preconstruction authorization that may be used for any CBP complying with the standard permit requirements and does not relieve the owner or operator from any other applicable provisions of the Texas Health and Safety Code (THSC), Texas Water Code, rules of the TCEQ, or any additional state or federal regulations. The purpose of this amendment is to update the terms and conditions of the standard permit to reflect the results of an updated AQA that was recently conducted by the commission. The amendment to the standard permit includes revised operational requirements, additional

setback limitations, production limitations, and updated best management practices.

The results of the updated AQA using the maximum production limits established by the standard permit demonstrate that the amended standard permit is protective based on current effects screening level guidelines and current NAAQS.

Overview of Air Quality Standard Permit

The commission issues the amendment to the air quality standard permit for CBPs under the authority of the Texas Clean Air Act (TCAA), THSC, §382.05195, Standard Permit, and 30 TAC Chapter 116, Subchapter F, Standard Permits.

The standard permit analysis is required by statute to include Best Available Control Technology (BACT) for each source. BACT is an emission limitation or control technique that results in the maximum degree of pollution reduction while maintaining technical and economic feasibility. The BACT requirements included in the CBP standard permit are based on existing Tier I BACT requirements as well as review of numerous existing facilities found at typical CBPs. The BACT requirements are considered commonly used for these sources and operation types.

Public Notice and Comment Period

In accordance with §116.605, Standard Permit Amendment and Revocation, the TCEQ published notice of the proposed amendment to the standard permit in the *Texas Register* and newspapers of the largest general circulation in the following metropolitan areas: Austin, Dallas, Houston, and San Antonio. The dates of the English-language publications were April 13, 2023, in the *San Antonio Express-News*, and April 14, 2023, in the *Austin-American Statesman*, *Dallas Morning News*, *Houston Chronicle*, and the *Texas Register*. The dates of the Spanish-language newspaper publications (*El Mundo Austin*, *La Prensa de Houston*, *Al Dia Dallas*, and *El Mundo San Antonio*) were April 14, 16, 19, and 20, 2023, respectively. The public comment period ran from the date of publication until 11:59 p.m. on June 14, 2023. Written and oral comments were received.

Public Meeting

The commission held a public meeting on this amendment in Austin on May 18, 2023, and oral comments were received for approximately one hour. An informational meeting was held in Houston on May 22, 2023, but oral comments were not accepted at that meeting. Prior to proposal of the amended standard permit, the commission held stakeholder meetings on November 9, 14, and 15, 2022, in Austin, Houston, and Arlington respectively. Interpreters fluent in Spanish were available at the stakeholder meetings, the public meeting in Austin, and the informational meeting in Houston.

Analysis of Comments

The commission received comments from numerous commenters. The list of these commenters and summaries of the comments and the commission's response may be found at:

<https://www.tceq.texas.gov/permitting/air/newsourcereview/mechanical/cbp.html>

Statutory Authority

This standard permit is issued under THSC, §382.011, General Powers and Duties, which authorizes the commission to control the quality of the state's air; THSC, §382.023, Orders, which authorizes the commission to issue orders necessary to carry out the policy and purposes of the TCAA; THSC, §382.051, Permitting Authority of the Commission; Rules, which authorizes the commission to issue permits, including standard permits for similar facilities for numerous similar sources;

THSC, §382.0513, Permit Conditions, which authorizes the commission to establish and enforce permit conditions consistent with Subchapter C of the TCAA; and THSC, §382.05195, Standard Permit, which authorizes the commission to issue standard permits according to the procedures set out in that section.

TRD-202400310

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: January 26, 2024



Notice of Request for Nominations - Water Utility Operator Licensing Advisory Committee (WUOLAC)

The Texas Commission on Environmental Quality (TCEQ) is requesting nominations for a total of seven individuals to serve on the TCEQ Water Utility Operator Licensing Advisory Committee (committee).

The committee membership represents various geographic areas of the state, ethnicities, businesses, governments, associations, and industries. If you have served on this advisory committee, nominated someone, or self-nominated in the past, you may do so again. When members' terms expire, the committee representation changes and individuals with varying backgrounds and geographic locations are needed to fill the vacancies.

The authority for the committee is found in 30 Texas Administrative Code (TAC) Chapter 5, Advisory Committees and Groups. The 13-member committee's sole duty is to advise the commission regarding water and wastewater operator licensing and training issues and facilitate communication between the commission and the water and wastewater utility industries. The main objectives are to: 1) review training and educational materials to promote quality education and training; 2) review Job Task Analysis and exam validations; 3) advise and assist regarding licensing requirements; 4) assist with the review of rules, regulations, guidance documents, and policy statements; 5) represent a diversity of viewpoints; and 6) promote interaction with outside organizations.

All appointments will be made by the TCEQ commissioners. The term of the appointments will begin September 1, 2024, and serve through August 31, 2028. The committee meets, as needed, usually four times a year. Meetings are held at the TCEQ offices located at 12100 Park 35 Circle in Austin, Texas, or virtually. Meetings last approximately two to four hours. No financial compensation is available. Additional information regarding the Committee is available at the following website: https://www.tceq.texas.gov/licensing/groups/wuoc_comm.html.

To nominate an individual or to self-nominate, download and complete the Water Utility Operator Licensing Advisory Committee application from our website (previously listed), or contact us directly to request an application be mailed to you. You may submit a resume in addition to the application, but not in lieu of the application.

DEADLINE: Completed applications must be received at TCEQ by 5:00 p.m. on March 12, 2024. Applications will be accepted by email licenses@tceq.texas.gov with the Subject line "WUOLAC Nomination", or via United States mail to: Training Specialist, Occupational Licensing Section, MC 178, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-202400345

Charmaine Backens
Deputy Director, Environmental Law Division
Texas Commission on Environmental Quality
Filed: January 31, 2024



Notice of Request for Public Comment and Notice of a Public Meeting on Two Draft Total Maximum Daily Loads for Indicator Bacteria in Big Creek

AVISO DE SOLICITUD DE COMENTARIO PÚBLICO Y AVISO DE REUNIÓN PÚBLICA EN DOS PROYECTOS DE CARGAS DIARIAS MÁXIMAS TOTALES PARA BACTERIAS INDICADORAS EN LA CUENCA DE BIG CREEK

The Texas Commission on Environmental Quality (TCEQ) has made available for public comment two draft Total Maximum Daily Loads (TMDLs) for indicator bacteria in Big Creek, of the Brazos River Basin within Fort Bend County.

The purpose of the meeting is to provide the public an opportunity to comment on the draft TMDLs in two assessment units (AUs): AU 1202J_02 and AU 1202J_01.

A TMDL is a detailed water quality assessment that provides the scientific foundation to allocate pollutant loads in a certain body of water in order to restore and maintain designated uses. The commission requests comments on each of the major components of the TMDL: problem definition, endpoint identification, source analysis, linkage analysis, margin of safety, pollutant load allocation, seasonal variation, public participation, and implementation and reasonable assurance.

After the public comment period, TCEQ may revise the draft TMDLs if appropriate. The final TMDLs will then be considered by the Commission for adoption. Upon adoption, the final TMDLs and a response to all comments received will be made available on TCEQ's website. The TMDLs will then be submitted to the United States Environmental Protection Agency (EPA) Region 6 office for final action. Upon approval by EPA, the TMDLs will be certified as an update to the State of Texas Water Quality Management Plan.

Public Meeting and Testimony. The public meeting for the draft TMDLs will be held at the George Memorial Library, Room 2A - Fort Bend County Libraries, 1001 Golfview Dr., Richmond, Texas 77469, on February 26, 2024, at 6:00 p.m.

Please periodically check <https://www.tceq.texas.gov/waterquality/tmdl/nav/122-bigcreekbacteria> before the meeting date for meeting related updates.

During this meeting, individuals will have the opportunity to present oral statements. An agency staff member will give a brief presentation at the start of the meeting and will be available to answer questions before and after all oral statements have been received.

Written Comments. Please choose one of the methods provided to submit your written comments. Written comments on the draft TMDLs may be submitted to Daniela Mejia, Water Quality Planning Division, Texas Commission on Environmental Quality, MC 203, P.O. Box 13087, Austin, Texas 78711-3087 or faxed to fax4808@tceq.texas.gov. Electronic comments may be submitted to <https://tceq.commentinput.com/>. File size restrictions may apply to comments submitted via the TCEQ Public Comments system. All written comments must be received at TCEQ by 11:59 p.m. on March 12, 2024, and should reference Two Total Maximum Daily Loads for Indicator Bacteria in Big Creek.

For further information regarding the draft TMDLs, please contact Daniela Mejia at Daniela.Mejia@tceq.texas.gov. The draft TMDLs can be obtained via TCEQ's website at <https://www.tceq.texas.gov/waterquality/tmdl/nav/122-bigcreekbacteria>.

Persons with disabilities who have special communication or other accommodation needs who are planning to participate in the meeting should contact Daniela Mejia at Daniela.Mejia@tceq.texas.gov. Requests should be made as far in advance as possible.

Para la versión en español de este documento, visite <https://www.tceq.texas.gov/waterquality/tmdl/nav/122-bigcreekbacteria>.

TRD-202400311
Charmaine Backens
Deputy Director, Environmental Law Division
Texas Commission on Environmental Quality
Filed: January 26, 2024



Notice of Request for Public Comment and Notice of a Public Meeting on Two Draft Total Maximum Daily Loads for Indicator Bacteria in the Oyster Creek Watershed

Aviso de Solicitud de Comentario Público y Aviso de Reunión Pública en Dos Proyectos de Cargas Diarias Máximas Totales para Bacterias Indicadoras en la Cuenca de Oyster Creek

The Texas Commission on Environmental Quality (TCEQ) has made available for public comment two draft Total Maximum Daily Loads (TMDLs) for indicator bacteria in the Oyster Creek watershed, of the San Jacinto-Brazos Coastal Basin within Brazoria and Fort Bend counties.

The purpose of the meeting is to provide the public an opportunity to comment on the draft TMDLs in two assessment units: Oyster Creek Tidal 1109_01 and Oyster Creek Above Tidal 1110_01.

A TMDL is a detailed water quality assessment that provides the scientific foundation to allocate pollutant loads in a certain body of water in order to restore and maintain designated uses. The commission requests comments on each of the major components of the TMDL: problem definition, endpoint identification, source analysis, linkage analysis, margin of safety, pollutant load allocation, seasonal variation, public participation, and implementation and reasonable assurance.

After the public comment period, TCEQ may revise the draft TMDLs if appropriate. The final TMDLs will then be considered by the Commission for adoption. Upon adoption, the final TMDLs and a response to all comments received will be made available on TCEQ's website. The TMDLs will then be submitted to the United States Environmental Protection Agency (EPA) Region 6 office for final action. Upon approval by EPA, the TMDLs will be certified as an update to the State of Texas Water Quality Management Plan.

Public Meeting and Testimony. The public meeting for the draft TMDLs will be held at the Lake Jackson Public Library, 250 Circle Way St., Lake Jackson, Texas 77566, on February 27, 2024, at 6:00 p.m.

Please periodically check <https://www.tceq.texas.gov/waterquality/tmdl/nav/114-oystercreek-bacteria> before the meeting date for meeting related updates.

During this meeting, individuals will have the opportunity to present oral statements. An agency staff member will give a brief presentation at the start of the meeting and will be available to answer questions before and after all oral statements have been received.

Written Comments. Please choose one of the methods provided to submit your written comments. Written comments on the draft TMDLs may be submitted to Jazmyn Milford, Water Quality Planning Division, Texas Commission on Environmental Quality, MC 203, P.O. Box 13087, Austin, Texas 78711-3087 or faxed to fax4808@tceq.texas.gov. Electronic comments may be submitted to <https://tceq.commentinput.com/>. File size restrictions may apply to comments submitted via the TCEQ Public Comments system. All written comments must be received at TCEQ by 11:59 p.m. on March 12, 2024 and should reference Two Total Maximum Daily Loads for Indicator Bacteria in the Oyster Creek Watershed.

For further information regarding the draft TMDLs, please contact Jazmyn Milford at Jazmyn.Milford@tceq.texas.gov. The draft TMDLs can be obtained via TCEQ's website at <https://www.tceq.texas.gov/waterquality/tmdl/nav/114-oystercreek-bacteria>.

Persons with disabilities who have special communication or other accommodation needs who are planning to participate in the meeting should contact Jazmyn Milford at Jazmyn.Milford@tceq.texas.gov. Requests should be made as far in advance as possible. Para la versión en español de este documento, visite <https://www.tceq.texas.gov/waterquality/tmdl/nav/114-oystercreek-bacteria>.

TRD-202400312

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: January 26, 2024



TCEQ Seeks Stakeholder Input on Upcoming Proposed Rulemaking Related to the 30 Texas Administrative Code (TAC) Chapter 30, Occupational Licensing Program

The Texas Commission on Environmental Quality (TCEQ) will conduct a virtual stakeholder meeting on **March 7, 2024**, to solicit informal comments on the non-statutory changes included in the proposed rulemaking to amend 30 TAC Chapter 30, Occupational Licenses and Registrations.

The proposed rulemaking (Rule Project Number 2024-004-030-WS) will implement changes made to the statute during the 88th Legislative Session. TCEQ also proposes to incorporate changes that would: 1) memorialize resiliency training requirements for licensed water operators; 2) require fingerprinting for all applicants of an occupational license for conducting criminal history reviews; 3) reduce the required number of continuing education (CE) credits to renew a Leaking Petroleum Storage Tank Project Manager license; and 4) make other updates as necessary to provide consistency with other licensing requirements and rules. It is these proposed changes for which the agency is soliciting comments.

Stakeholder Meetings

Stakeholder meetings offer an opportunity for the public to provide informal comments before formal rulemaking begins.

The stakeholder meeting will occur on:

Thursday March 7, 2024, from 2:00 p.m. - 3:30 p.m.

https://teams.microsoft.com/l/meetup-join/19%3ameeting_MGQxN-TQ3YzEtMDY0YS00OGY3LW11MjgtZjc2MWI3YzgxNjU0%40th-read.v2/0?context=%7B%22Tid%22%3A%22871a83a4-a1ce-4b7a-8156-3bcd93a08fba%22%2C%22Oid%22%3A%22e74a40ea-69d4-469d-a8ef-06f2c9ac2a80%22%2C%22IsBroadcastMeeting%22%3Atrue%22%22role%22%3A%22a%22%7D&btype=a&role=a

If you have special communication or other accommodation needs, contact Office of Legal Services at (512) 239-1802 or call (800) RELAY-TX (TDD). Please make these requests as soon as possible.

Written Stakeholder Comments

Written stakeholder comments may be submitted using one of the following methods:

By mail: Program Supervisor, MC 205

Texas Register/Rule Development Team - Office of Legal Services

Texas Commission on Environmental Quality

P.O. Box 13087

Austin, Texas 78711-3087

By fax: fax4808@tceq.texas.gov

Online through the TCEQ Public Comment system (<https://tceq.commentinput.com/>). File size restrictions may apply to comments submitted.

All comments should reference proposed rule project number 2024-004-030-WS. We will review all comments we receive but will not formally respond. All written stakeholder comments must be submitted by the close of business on March 12, 2024.

For additional information on this proposed rulemaking, please contact Rebecca Moore via email at rebecca.moore@TCEQ.texas.gov or at (512) 239-2463 and refer to rule project number 2024-024-030-WS.

TRD-202400378

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: January 31, 2024



Update to the Water Quality Management Plan (WQMP)

The Texas Commission on Environmental Quality (TCEQ or commission) requests comments from the public on the draft January 2024 Update to the WQMP for the State of Texas.

Download the draft January 2024 WQMP Update at https://www.tceq.texas.gov/permitting/wqmp/WQmanagement_updates.html or view a printed copy at the TCEQ Library, Building A, 12100 Park 35 Circle, Austin, Texas.

The WQMP is developed and promulgated in accordance with the requirements of the federal Clean Water Act, Section 208. The draft update includes projected effluent limits of specific domestic dischargers, which may be useful for planning in future permit actions. The draft update may also contain service area populations for listed wastewater treatment facilities, designated management agency information, and total maximum daily load (TMDL) revisions.

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

Deadline

All comments must be received at the TCEQ no later than **5:00 p.m. on March 12, 2024**.

How to Submit Comments

Comments must be submitted in writing to:

Gregg Easley
Texas Commission on Environmental Quality
Water Quality Division, MC 150
P.O. Box 13087
Austin, Texas 78711-3087

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

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

TRD-202400330
Charmaine Backens
Deputy Director, Environmental Law Division
Texas Commission on Environmental Quality
Filed: January 30, 2024

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Texas Ethics Commission

List of Late Filers

Below is a list from the Texas Ethics Commission naming the filers who failed to pay the penalty fine for failure to file the report, or filing a late report, in reference to the specified filing deadline. If you have any questions, you may contact Dave Guilianelli at (512) 463-5800.

Deadline: Semiannual report due July 17, 2023

John L. Pool, 1513 Live Oak Ln., Andrews, Texas 79714
Kevin A. Morris, P.O. Box 865147, Plano, Texas 75086
Christopher L. Tolbert, P.O. Box 130895, Dallas, Texas 75313
Tracie L. Wright-Reneau, 659 S Castell Avenue, New Braunfels, Texas 78130
Stephani A. Walsh, 411 S. Presa, San Antonio, Texas 78205
Rebecca Moyer DeFelice, P.O. Box 6853, San Antonio, Texas 78209
Tracy K. Fisher, P.O. Box 282, Coppell, Texas 75019
Abel R. Longoria, 6 Cadena Dr., Galveston, Texas 77554

Deadline: Semiannual report due July 15, 2022

Ted Cruz, 815A Brazos, PMB 389, Austin, Texas 78701
Joe Brennan, 113 Azinger, Laredo, Texas 78045
Sean Sharp, 6004 Baylor St., Fort Worth, Texas 76119
Matthew R. Worthington, P.O. Box 18233, Austin, Texas 78260
Isreal O. Salinas, 103 Mark Avenue, Lake City, Texas 78368
Daniel G. Surman, 2301 21st St. N, Texas City, Texas 77590

Deadline: Semiannual report due January 17, 2023

Steve Riddell, 1308 Shady Creek Drive, Euless, Texas 76040
Lacey M. Hull, P.O. Box 19231, Houston, Texas 77724
Sarah K. Fox, 5830 Granite Parkway, Ste 100-350, Plano, Texas 75024
Ori T. White, P.O. Box 160, Fort Stockton, Texas 78735
Juan M. Medina, 5 Turin Ct., San Antonio, Texas 78257
Elizabeth Beach, P.O. Box 100932, Fort Worth, Texas 76185

Miguel Gonzalez, P.O. Box 9097, Houston, Texas 77261
Angela A. Villescaz, 104 Golden Cove, Kyle, Texas 78640
Kelly McDonald, P.O. Box 965, Magnolia, Texas 77353
Karyn C. Brownlee, P.O. Box 1812, Coppell, Texas 75019
Phyllip Wayne Stephenson, 1609 N. Richmond Rd., Wharton, Texas 77488
Allison Drew, P.O. Box 16552, Sugar Land, Texas 77496
James Hernandez, P.O. Box 71413, Corpus Christi, Texas 78467
Benjamin Flores Yrigollen, 8304 Autumncrest Court, Dallas, Texas 75249
Lisa Uresti-Dasher, P.O. Box 241684, San Antonio, Texas 78224
Roberto Velasco, 12001 Inwood Rd. 1307, Dallas, Texas 75244
Ana-Maria Ramos, P.O. Box 852227, Richardson, Texas 75085
Deadline: 30 day pre-election report due October 11, 2022

Rabea Sultan Collier, 9659 N. Sam Houston Parkway East, Suite 150 #129, Humble, Texas 77396
Titus J. Benton, 24410 Tucker House, Katy, Texas 77493
Kevin H. Fulton, 7676 Hillmont Street, Suite 191, Houston, Texas 77040
Joe F. Livingston, 1607 Southmoor Dr., Arlington, Texas 76010
Deadline: 8 day pre-election report due October 31, 2022.

Frank Aguilar, 7220 Ashburn St., Houston, Texas 77061
Rwan S. Hardesty, P.O. Box 1005, Midlothian, Texas 76065
Ashley E. Wysocki, 5323 Spring Valley Rd., Unit 150, Dallas, Texas 75254
Michael D. West, 3818 Fox Meadow Ln., Pasadena, Texas 77504
Brian E. Warren, P.O. Box 6807, Houston, Texas 77265
Samuel M. Strasser, 3404 Glastonbury Trl., Pflugerville, Texas 78660
Victor A Echavarria, 3780 Copperfield Dr. #822, Bryan, Texas 77802
Kazi Chowdhury, 7665 Scarlet View Trail, Fort Worth, Texas 76131
Raul F. Camacho, 651 N. U.S. 183 Suite 335, #4040, Leander, Texas 78641

Deadline: Runoff report due May 16, 2022

Caroline Harris, P.O. Box 700, Round Rock, Texas 78680
TRD-202400268
Aidan Shaughnessy
Program Supervisor
Texas Ethics Commission
Filed: January 25, 2024

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General Land Office

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

On January 10, 1997, the State of Texas received federal approval of the Coastal Management Program (CMP) (62 *Federal Register* pp. 1439 - 1440). Under federal law, federal agency activities and actions affecting the Texas coastal zone must be consistent with the CMP goals

and policies identified in 31 TAC Chapter 26. Requests for federal consistency review were deemed administratively complete for the following project(s) during the period of January 22, 2024 to January 26, 2024. 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, February 2, 2024. The public comment period for this project will close at 5:00 p.m. on Sunday March 3, 2024.

Federal License and Permit Activities:

Applicant: Jefferson Terminal South, LLC

Location: The project site is located in Neches River, approximately 0.88-mile northeast of the intersection of North Twin City Highway and DuPont Road, in Nederland, Jefferson County, Texas.

Latitude and Longitude: 30.019710, -94.024990

Project Description: The applicant proposes to construct a new ship/barge dock for the purpose of replacing an existing ship/barge dock that is nearing the end of its use. The new ship/barge dock will consist of a 144-foot by 65-foot platform, 20-foot-wide by 80-foot-long approachway, steel beam pile supported pipe racks, 6 breasting dolphins, 4 mooring dolphins, 3 barge monopiles, a new shoreside access walkway, a boat slip and spill boom containment reel. The applicant is proposing to mechanically or hydraulically dredge approximately 350,000 cubic yards to match the upcoming channel depth of -52 feet mean lower low water and to extend dredging into the Federal Channel. The applicant is proposing to place the dredge material into dredge material placement areas 5, 8, 9, 11, 12, 13, 14, 16, 17, 18, 22, 23, 24, 25 or 26. The applicant also seeks authorization to place dredge material in the Lower Neches Wildlife Management Area Nelda Stark Beneficial Use Site. The applicant is not proposing any mitigation.

Type of Application: U.S. Army Corps of Engineers permit application # SWG-1998-01785. 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 the Texas Commission on Environmental Quality as part of its certification under §401 of the Clean Water Act.

CMP Project No: 24-1132-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-202400350

Mark Havens

Chief Clerk

General Land Office

Filed: January 31, 2024



Texas Health and Human Services Commission

Public Notice - CLASS Waiver Renewal

The Texas Health and Human Services Commission (HHSC) is submitting a request to the Centers for Medicare & Medicaid Services

(CMS) to renew the Community Living Assistance and Support Services (CLASS) waiver program. HHSC administers the CLASS Program under the authority of §1915(c) of the Social Security Act. CMS has approved the CLASS waiver application through August 31, 2024. The proposed effective date for the renewal is September 1, 2024.

The CLASS Program provides community-based services and supports to individuals with a related condition who live in their own homes or in the home of another person, such as a family member. Services and supports are intended to enhance quality of life, functional independence, health and welfare, and to supplement, rather than replace, existing informal or formal supports and resources. Services in the CLASS Program are case management, prevocational services, residential habilitation, respite (in-home and out of home), supported employment, prescribed drugs, financial management services, support consultation, adaptive aids, auditory integration training/auditory enhancement training, behavioral support, cognitive rehabilitation therapy, continued family services, dental treatment, dietary, employment assistance, minor home modifications, nursing, occupational therapy services, physical therapy services, specialized therapies, speech and language pathology, support family services and transition assistance services.

The renewal request proposes to make the following changes:

Main Attachment #2: Home and Community-Based Settings Waiver Transition Plan

HHSC removed the attachment #2 transition plan language from the main appendix. CMS is proposing to remove the attachment #2 Home and Community-Based Settings Waiver Transition Plan option from their updated CMS Home and Community-Based Services (HCBS) waiver application template in 2024.

Appendix A: Waiver Administration and Operation

HHSC added an Administrative Authority Performance Measure as requested by CMS as follows: A.a.1 Number and percent of individuals on the CLASS interest list who are offered waiver services on a first-come, first served basis by HHSC. N: Number of individuals on the CLASS interest list who are offered waiver services on a first-come, first-served basis. D: Number of individuals who are offered enrollment from the interest list.

Appendix B: Participant Access and Eligibility

HHSC clarified in the "Cost Limit" section that all individuals have access to services up to the cost limit if they have an identified need that is supported and justified.

HHSC increased the unduplicated number of participants served, and the point-in-time totals, for all five waiver years and maintained the same number of reserve capacity slots across all five waiver years.

HHSC clarified in the "Selection of Entrants to the Waiver" that when an individual is placed on the interest list the individual's name, mailing address, and date of birth is required.

HHSC clarified that anyone may request for an individual's name to be added to the interest list by calling or submitting a written request to HHSC.

HHSC clarified that the level of care (LOC) documentation may be submitted electronically by fax or mail and that qualified intellectual and developmental disability professionals (QIDP) review the LOC. HHSC also clarified the annual resubmission and provider process.

HHSC updated the "Maintenance of Evaluation/Reevaluation Records" section to include HHSC as an agency for records maintenance.

HHSC updated the "Access to Services by Limited English Proficiency Persons" section to align with current policy.

Appendix C: Participant Services

HHSC updated provider qualifications throughout Appendix C to align with current policy.

HHSC changed provider training for abuse, neglect, and exploitation (ANE) from "within 60 days of employment" to "before assuming job duties" to align with current policy.

HHSC updated provider qualifications reporting requirement training for ANE to require reporting immediately, but no later than 24 hours.

HHSC revised information in the service provider qualifications about who can be a service provider.

HHSC updated the "Frequency of Verification" section for Supported Employment to remove, "Individual/employer and financial management services agency (FMSA) prior to hiring" and "HHSC Contract staff verifies provider qualifications during on-site reviews, completed every three years at a minimum" to align with current policy.

HHSC updated the Prevocational Services definition to reflect "goals identified in the individual's individual program plan (IPP)." instead of the "individual's habilitation plan" to align with current policy and rules. Within the definition, replaced the term "employment" with "competitive employment" to align with policies.

HHSC changed the term "face to face" to "in person" to reflect the accurate terminology for habilitation services, and respite services definitions.

HHSC revised one of the locations in which respite care can be provided from "Individuals home or place of residence" to "Individual's residence or the residence of a relative or friend". Added "The residence of another person receiving a Medicaid waiver service;" as an additional location Respite care can be provided.

HHSC updated the verification of provider qualifications for respite (out-of-home) Adult Foster Care Four Person Residence provider service. New language reflects the current policy stating "HHSC Regulatory Services licenses four bed adult foster care homes as a Type A or B, but only renews the limited number of Type C Assisted Living facilities who were originally licensed as Type C."

HHSC removed "Vendor Drug" from the reference to the provider agreement for prescription medications to align with current policy.

HHSC clarified that financial management services are services provided by an FMSA to an employer, not an individual. Clarified language in the "Financial Management Services in the Frequency of Verification" section to make information requested in this section more accurate. Clarified Texas Administrative Code (TAC) references to include Chapter 41 and included chapter titles.

HHSC clarified in the "Frequency of Verification" section that contract staff conducts monitoring reviews at least every three years and each contract is monitored at least every three years thereafter to align with current policy.

HHSC clarified language that FMSAs must attend periodic trainings conducted by HHSC.

HHSC updated reference to Internal Revenue Service Form 2678 to include form name of Employer/Payer Appointment of Agent.

HHSC clarified that the supports for participant direction is provided by a support advisor and provides a level of assistance beyond that provided by the FMSA. HHSC clarified that support consultation helps

the employer to meet the required employer responsibilities of the consumer directed services (CDS) option.

HHSC clarified in the "Provider Qualifications" section for both agency and CDS options that the support advisor cannot be the individual or the individual's spouse, the legally authorized representative (LAR) or the legally authorized representative's spouse, or the designated representative or the designated representative's spouse to align with current policy.

HHSC clarified in the "Provider Qualifications" section that the FMSA must have support consultation services available to be provided by a support advisor upon request by the individual or individual's LAR.

HHSC clarified that the support advisor, not the provider, must have a support advisor certificate issued by HHSC to indicate successful completion of required training conducted or approved by HHSC.

HHSC deleted "HHSC verifies provider qualifications prior to awarding a provider agreement and on an ongoing basis" in the "Entity Responsible for Verification" section.

To align with current policy, HHSC removed the statement in the "Provider Qualifications" section that the continued family and support family services provider must be an independent foster family verified by the Texas Department of Family and Protective Services and contracted with a direct services agency (DSA). Changed the term "Support Family Agencies" to "Child Placing Agencies."

HHSC clarified for self-directed services that the individual, the individual's spouse, the LAR, the LARs spouse, the designated representative, or the designated representative's spouse cannot be hired to provide services to align with existing policy.

Appendix D: Participant-Centered Planning and Service Delivery

HHSC clarified that the persons on the service planning team include "actively involved person" and staff providing direct services, if approved by the individual and LAR.

HHSC clarified that an oral and written explanation of CLASS waiver program services and "State Plan services" must be provided instead of "State Plan Community First Choice services (CFC)."

HHSC removed CFC Personal Assistance Services/Habilitation service" references throughout the waiver as CFC is not a waiver service. HHSC also added that the individual program plan documents that the frequency and amount of the service does not replace existing natural supports, non-waiver resources, or non-CFC resources for which the individual may be eligible; and documents the setting for each service, which must be selected by the individual or LAR from setting options.

HHSC removed from the "Risk Assessment and Mitigation" section the sentence "All person-centered service plans are reviewed by HHSC QIDP to further ensure the plan meets the individual's needs."

HHSC clarified, to align with existing policy, that when an assigned DSA employee or contractor is not available to deliver an individual's service, the DSA must have a written process to ensure backup staff are or can readily become familiar with the individual they may be required to provide a CLASS Program services to.

HHSC added FMSAs to the list of entities HHSC monitors to ensure compliance with requirements regarding an individual's transfer to a new CMA, DSA or FMSA.

HHSC clarified language relating to the online portal system that allows secure submission and return of electronic documentation being implemented.

Appendix E: Participant Direction of Services

HHSC added support consultation to the list of services an individual may direct through the CDS option.

HHSC updated the number of participants who self-direct their waiver services.

Appendix F: Participant Rights

HHSC did not make any substantive changes to Appendix F. Changes made were to align with other appendices edits such as changing the term "face-to-face" to "in-person", changing the term "provider investigations" to "Long-Term Care Regulation (LTCR)" or "HHSC CII", changing the term "Texas Department of Family and Protective Services" to "HHSC Complaint and Incident Intake (CII)", and updating TAC references.

Appendix G: Participant Safeguards

HHSC added restraint and seclusion to the list of critical incident categories and removed references to the HHSC CLASS/DBMD Notification of Critical Incidents form.

HHSC removed the sentence, "Oversight activities occur on an ongoing basis. Information regarding validated instances of ANE are monitored, tracked, and trended for purposes of training HHSC staff and to prevent recurrence" as duplicative.

HHSC clarified that HHSC Long-Term Care Regulation (LTCR) instead of HHSC Provider investigations, investigates allegations of ANE.

HHSC removed the references to the Department of Family and Protective Services for complaints and replaced it with HHC Complaint and Incident Intake (CII) unit.

HHSC clarified, to align with existing policy, that if CLASS providers become aware of a critical incident, including death, they must report that incident to HHSC using the critical incident management system (CIMS).

HHSC added the Accreditation Commission for Health Care to list of accreditation entities for home and community support services agencies.

HHSC changed the term "Department of Family and Protective Services Residential Child Care Licensing staff" to "Health and Human Services Child Care Regulation."

HHSC removed the term "Sanction Action Review Committee" and replaced it with "Adverse Action Review Committee."

Appendix H: Quality Improvement Strategy

HHSC removed the outdated sentence, "HHSC has articulated the vision and infrastructure for the quality improvement strategy for the waivers in the Quality Oversight Plan, which was approved by both agencies' commissioners in 2010."

HHSC changed the term "Quality Oversight Plan" to "Quality Improvement Strategy".

HHSC clarified the role of the Quality Review Team and Quality Reporting Unit in "System Design Changes and Quality Improvement Strategy" sections. Removed references and information relating to the Quality Assurance and Improvement Data Mart and Texas Quality Matters.

HHSC replaced general information relating to advisory committees with information on the Intellectual and Developmental Disability System Redesign Advisory Committee.

Appendix I: Financial Accountability

HHSC removed the on-site reference for HHSC's fiscal monitoring of CLASS DSA and CMAs. Clarified to align with existing policy that contract monitoring staff select a six-month period within the monitoring period to review service delivery.

HHSC changed the term "HHSC Community Services Contracts staff" to "HHSC Contracts staff".

HHSC removed references to HHSC Contract Oversight and Support area and updated these references with information on the System of Contract Operation and Reporting Application.

HHSC clarified the services that use cost reports to determine rates.

Appendix J: Cost Neutrality Demonstration

HHSC updated the unduplicated number of participants for all five waiver years. Updated the service projections (Factor D), and the waiver recipients other Medicaid cost projections (Factor D') and projections for annual average per capita Medicaid costs for all non-waiver institutional services (Factor G) and other Medicaid costs for the institutional population (Factor G') for all five waiver years.

Performance Measures

HHSC revised performance measure C.a.3, as well as the numerator, to remove the term "continually."

HHSC revised performance measure C.b.1, as well as the numerator, to remove the term "prior to delivering services." Revised the denominator to remove the term "reviewed." Revised the sampling approach.

HHSC removed performance measure C.b.2 that read, "Number and percent of monitored FMSA legal entities that continually met program contract requirements, evidenced by an overall monitoring score of at least 90%."

HHSC removed performance measure C.b.3 that read, "Number and percent of monitored FMSA legal entities that continually met fiscal contract requirements, evidenced by an overall monitoring score of at least 90%."

HHSC revised performance measure C.b.4, as well as the numerator, to use the term "service provider" instead of "Medicaid provider." HHSC further revised the performance measure and numerator to include the phrase "each new employee hired," and revised the denominator to include the phrase "who had a new employee hired during the monitoring period." Renumbered from C.b.4 to C.b.2. The revised measure reads, "C.b.2 Number and percent of individuals/employers using the CDS option that had a service provider agreement for each new employee hired. N: Number of employers using the CDS option that had a service provider agreement for each new employee hired. D: Total number of individuals/employers reviewed who had a new employee hired during the monitoring period."

HHSC revised performance measure C.b.5 and C.b.6, as well as their numerators and denominators, to remove the term "and TAS." Renumbered C.b.5 to C.b.3 and C.b.6 to C.b.4.

HHSC revised performance measure C.c.2's denominator to remove the term "monitored." Updated sample approach.

HHSC removed performance measure C.c.3 that read, "Number and percent of provider staff meeting state training requirements by receiving a score of at least 80% on the HHSC CLASS Computer Based Training."

HHSC renumbered performance measure C.c.4 to C.c.3.

HHSC revised performance measures D.c.2, D.d.1, D.e.2, G.a.5, G.a.7, G.c.2, G.d.1, G.d.2, I.a.3, and I.a.5 sampling approach.

HHSC revised performance measure G.a.8 data source to replace the term "CLASS Consolidated Microsoft Database" with "Quality Assurance and Improvement Data Mart."

HHSC revised performance measure G.a.9 data source to replace the term "Salesforce Abuse, Neglect, and Exploitation Database" with "Critical Incident Management System."

HHSC revised performance measure G.a.11 data source to replace the term "LTSS Policy SoftChalk Database" with "HHSC Provider Learning Portal." Revised the frequency of data aggregation and analysis.

HHSC revised performance measure G.b.1 data source to replace the term "Notification of Critical Incidents Database" with "Critical Incident Management System."

HHSC revised performance measure G.b.2 and G.b.3 data source to replace the term "CLASS Consolidated Microsoft Database" with "Quality Assurance and Improvement Data Mart."

HHSC revised performance measure G.c.1, as well as the numerator, to replace the term "referred for further investigation" with "that were in compliance with requirements related to unauthorized restraint." Revised data source to replace the term "Notification of Critical Incidents Database" with "Critical Incident Management System." The revised measure reads as, "Number and percent of provider-reported incidents of restraint that were in compliance with requirements related to unauthorized restraint. N: Number of provider-reported incidents of restraint that were in compliance with requirements related to unauthorized restraint. D: Number of provider-reported incidents of restraint."

HHSC revised performance measure I.a.1, as well as the numerator, to add the term "coded and." The revised measure reads as, "Total dollar amount and percent of total dollar amount of paid claims, including those from FMSAs, that were coded and paid for according to the reimbursement methodology specified in the approved waiver. N: Total dollar amount of paid claims that were coded and paid for according to the reimbursement methodology specified in the approved waiver. D: Total dollar amount of paid claims."

HHSC removed performance measure I.a.2 that read, "Number and percent of monitored financial management services agencies (FMSAs) for which claims were paid in accordance with the employee's established rate of pay and the service hours actually worked." Replaced I.a.2 with new performance measure that reads, "Number and percent of FMSAs that received a contract monitoring review that were free from recoupment of the FMS fee. N: Number of FMSAs that received a contract monitoring review that were free from recoupment of the FMS fee. D: Number of FMSAs that received a contract monitoring review."

HHSC revised performance measure I.b.1 data source to replace the term "Rate Analysis" with "Provider Finance."

Miscellaneous

HHSC updated references to the TAC changing references from Title 40 to Title 26 throughout the waiver application. Rules of the former Department of Aging and Disability Services (DADS), which were in Title 40, have been transferred to Title 26.

HHSC changed the term "Policy Development Support" to "Federal Coordination, Rules and Committees".

HHSC removed references to the DADS because that agency was abolished in 2017 and its functions transferred to HHSC.

HHSC changed the term "provider" to "service provider" and the term "program provider" to "provider agency."

HHSC changed the term "face-to-face" to "in-person".

HHSC changed the term "provider investigations" to "Long-Term Care Regulation (LTCR)" or "HHSC CII".

HHSC changed the terms "Texas Department of Family and Protective Services" to "HHSC Complaint and Incident Intake (CII)" or "HHSC LTCR".

HHSC changed the term "Texas Department of Family and Protective Services" to "HHSC Child Care Regulation".

HHSC changed the term "Rate Analysis Department" to "Provider Finance Department".

To obtain a free copy of the proposed waiver renewal, ask questions, obtain additional information, or submit comments, please contact Jayasree Sankaran by U.S. mail, telephone, fax, or email at the addresses and numbers below. A copy of the proposed waiver renewal may also be obtained online on the HHSC website at:

<https://www.hhs.texas.gov/laws-regulations/policies-rules/waivers>

Comments about the proposed waiver renewal must be submitted to HHSC by March 11, 2024.

The Access and Eligibility Services for local benefit offices will post this notice for 30 days and will have copies of the renewal available for review.

Addresses:

U.S. Mail

Texas Health and Human Services Commission

Attention: Jayasree Sankaran, Waiver Coordinator, Federal Coordination, Rules and Committees

701 West 51st Street, Mail Code H-310

Austin, Texas 78751

Telephone

(512) 438-4331

Fax

Attention: Jayasree Sankaran, Waiver Coordinator at (512) 323-1905

Email

TX_Medicaid_Waivers@hhs.texas.gov

TRD-202400340

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: January 30, 2024



Public Notice - Extension of the Healthy Texas Women (HTW) Section 1115 Medicaid Demonstration

The Texas Health and Human Services Commission (HHSC) announces its intent to submit to the Centers for Medicare & Medicaid Services (CMS) a request to extend the Healthy Texas Women (HTW) demonstration under section 1115 of the Social Security Act.

The current demonstration is approved through December 31, 2024. The proposed effective date for the extension is January 1, 2025. The extension request is for five years, which will allow the demonstration to operate through December 31, 2029. There is a fiscal impact to the extension of the HTW demonstration.

The requested extension will allow Texas continued flexibility to pursue the established goals of the HTW demonstration, which are to:

Increase access to women's health and family planning services to avert unintended pregnancies, positively affect the outcome of future pregnancies, and positively impact the health and well-being of women and their families.

Increase access to preventive health care, including screening and treatment for sexually transmitted infections, hypertension, diabetes and high cholesterol; to positively impact maternal health; and reduce maternal mortality.

Increase access to women's breast and cervical cancer services to promote early cancer detection and referral to treatment in existing state programs.

Implement state policy to favor childbirth and family planning services that do not include elective abortions or the promotion of elective abortions within the continuum of care or services and to avoid the direct or indirect use of state funds to promote or support elective abortions.

Reduce the overall cost of publicly funded health care (including federally funded health care) by providing low-income Texans access to safe, effective care across a woman's lifecycle.

Proposed Changes

House Bill (H.B.) 133, 87th Legislature, Regular Session, 2021, requires HHSC to contract with Medicaid managed care organizations (MCOs) to provide HTW services. To comply with H.B. 133, the extension request proposes to change the delivery of HTW services from the current fee-for-service (FFS) model to a managed care model, except that enrollees who are members of a federally recognized tribe will be able to voluntarily enroll in managed care or remain in FFS. Under a managed care model, MCOs will contract, credential, and reimburse HTW providers for HTW services. The proposed effective date for the transition to a managed care model is Quarter 1 of State Fiscal Year 2026. This is the only requested programmatic change to the demonstration.

Transitioning the delivery of HTW services to a managed care model will:

Further the goals of the demonstration by reducing the overall cost of publicly funded health care, including federally funded health care, and providing Texas women access to safe, effective services.

Increase access to and utilization of preventive health care, breast and cervical cancer services, and critical health services.

Improve the health of women in the HTW program by incorporating core features of Medicaid managed care programs into HTW, such as the establishment of a primary care provider, person-centered service coordination, and value added services.

Increase access to women's health and family planning services by enhancing continuity of care for women transitioning among Texas' managed care programs - STAR, the Children's Health Insurance Program (CHIP), and HTW throughout a woman's lifecycle. This includes young women transitioning from adolescent to well woman care, pregnant women transitioning from well woman to obstetric care, and postpartum women transitioning back to well woman care.

Additionally, the extension request reflects an increase in the state's comparable income limit to convert existing state income threshold standards from 200% of the Federal Poverty Level (FPL) to 204.2% of the FPL, the equivalent to Modified Adjusted Gross Income (MAGI) standard.

Waiver and Expenditure Authorities

All requirements of the Medicaid program expressed in law, regulation, and policy statement, not expressly waived in this list, shall apply to the Demonstration project beginning January 1, 2025 through December 31, 2029. In addition, these waivers may only be implemented consistent with the approved Special Terms and Conditions (STCs).

Under the authority of section 1115(a)(1) of the Social Security Act (the Act), the following waivers of State plan requirements contained in section 1902 of the Act are granted in order to enable Texas to carry out the Healthy Texas Women section 1115 Demonstration.

Medicaid Requirements Not Applicable to the Medicaid Expenditure Authorities:

All Medicaid requirements apply, except the following:

Methods of Administration: Transportation Section 1902(a)(4)

To the extent necessary to enable the state to not assure transportation to and from providers for the demonstration population.

Amount, Duration, and Scope of Services (Comparability) - Section 1902(a)(10)(B)

To the extent necessary to allow the state to offer the demonstration population a benefit package consisting only of family planning services, family planning-related services, and other preconception women's health services.

Retroactive Coverage - Section 1902(a)(34)

To the extent necessary to enable the state to not provide medical assistance to the demonstration population for any time prior to when an application for the demonstration is made.

Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) - Section 1902(a)(43)(A) To the extent necessary to enable the state to not furnish or arrange for EPSDT services to the demonstration populations. Freedom of Choice - Section 1902(a)(23)(A) To the extent necessary to enable the state to limit freedom of choice of provider in accordance with state law as described in the STCs. To the extent necessary, to enable the state to restrict freedom of choice of providers through the use of mandatory enrollment in managed care plans for the receipt of covered services.

The following expenditure authorities may only be implemented consistent with the approved Special Terms and Conditions (STC) and shall enable Texas to operate the above-identified section 1115(a) demonstration.

1. Healthy Texas Women. Effective through December 31, 2029, expenditures for extending Medicaid eligibility for family planning services, family planning-related services and other preconception women's health services to women who are otherwise ineligible for Medicaid or the Children's Health Insurance Program (CHIP), ages 18 through 44 with income at or below 204.2 percent of the Federal Poverty Level (FPL), including women who are losing Medicaid pregnancy coverage at the conclusion of their postpartum coverage period.

Additionally, HHSC is proposing to add the following expenditure authority with this extension request:

2. Expenditures Related to Managed Care Organization (MCO) Enrollment and Disenrollment Expenditures made under contracts that do not meet the requirements in section 1903(m) of the Act specified below. Managed care organizations (MCOs) delivering HTW services will be required to meet all requirements of section 1903(m) of the Act except the following:

Section 1903(m)(2)(H) of the Act and Federal regulations at 42 CFR Part 438, to the extent that the regulations implementing

section 1932(a)(4) of the Act are inconsistent with the enrollment and disenrollment provisions contained in STC 18(c) of the HTW demonstration's STCs, which permit the State to authorize automatic re-enrollment in the same MCO if the beneficiary loses eligibility for less than six (6) months.

Financial Analysis

The extension of the HTW demonstration (effective date January 1, 2025) will result in a revised budget neutrality model that will be negotiated with CMS and will include transitioning the HTW demonstration to a managed care delivery model. The change to a managed care delivery model may impact budget neutrality due to the addition of capitation related expenses for MCO administrative costs, risk margin and premium tax. It is estimated that the All Funds (AF) costs of capitation for Calendar Year 25 - which includes seven months of impact - is approximately \$17.5M with a General Revenue (GR) cost of approximately \$4.8M (27.6 percent of AF). The first full year impact in Calendar Year 26 is estimated to cost approximately \$31.9M AF and \$8.8M GR (27.6 percent of AF). The impact to budget neutrality will ultimately depend on the revised budget neutrality model as the change in delivery model occurs after the current demonstration ends and will be part of extension negotiations with CMS.

Evaluation Design

HHSC will continue to comply with federal evaluation monitoring and reporting requirements during the HTW demonstration extension. Evaluation monitoring and reporting will remain critical as the HTW demonstration will undergo a change during the extension period when the delivery of services transition from FFS to managed care during Quarter 1 of State Fiscal Year 2026 (approximately nine to twelve months after the extension period begins). This transition may influence measures related to access, quality, and cost. As a result, the evaluation for the HTW demonstration extension will focus on the impacts of this service delivery change. HHSC will also add new evaluation components, where necessary, to ensure the evaluation provides a comprehensive assessment of HTW services delivered under managed care.

Enrollment, Cost Sharing and Service Delivery

There are no proposed changes to eligibility requirements and no expected impact to total enrollment in the HTW demonstration. Transitioning the delivery of HTW services to a managed care model will require HTW clients to select and enroll with an MCO. Default enrollment and eligibility processes will apply. Under the extension, there will continue to be no beneficiary cost sharing.

Full Public Notice

This is the full public notice set forth in 42 CFR § 431.408(a)(1)(i). The full public notice regarding this extension request will be available at: <https://www.hhs.texas.gov/regulations/policies-rules/waivers/healthy-texas-women-1115-demonstration>.

Location and times of Public Hearings

HHSC will host two meetings to provide information about the demonstration extension as well as an opportunity for the public to provide comments. Locations, dates and times are as follows:

On February 22, 2024 at 1:00 p.m., HHSC will hold a hybrid public hearing with both virtual and in-person options. The public hearing will be held in conjunction with the quarterly State Medicaid Managed Care Advisory Committee (SMMCAC) meeting and will be located at the Texas Department of State Health Services, Moreton Building, Room M100, First Floor, 1100 West 49th Street, Austin, Texas 78756. Members of the public must pre-register to provide oral comments virtually during the meeting and written comments by completing a Pub-

lic Comment Registration form at https://texashhsm meetings.org/SMM-CAC_PCReg_Feb2024 no later than 5 p.m. on Tuesday, February 20, 2024.

On March 5, 2024 at 10:30 a.m., HHSC will hold a public hearing at 801 S. State Highway 161, 2nd Floor, Lone Star Conference Room #200, Grand Prairie, Texas 75051. This is an in-person hearing. Public comments will be accepted at this meeting. Members of the public may provide oral comments during the hearing at the hearing location either by pre-registering using the Public Comment Registration form at https://texashhsm meetings.org/HTW_PCReg_Mar2024 or without pre-registering by completing a form at the entrance to the hearing room. The Public Comment Registration form must be completed no later than 5 p.m. on March 1, 2024.

A link to the webcast and virtual registration for commenters wishing to provide testimony during the hybrid public hearing on February 22, 2024, will be included in the agenda posted in the *Texas Register* and on the HHSC's website.

Copies of Demonstration Extension Application

The complete extension application is available online at: <https://www.hhs.texas.gov/regulations/policies-rules/waivers/healthy-texas-women-1115-demonstration>.

Public Comments

The public is invited to submit comments on the Healthy Texas Women Section 1115 Medicaid Demonstration for a period of 30 days, beginning Friday, February 9, 2024. The public comment period will end on Monday, March 11, 2024.

An individual may obtain a free copy of the proposed demonstration extension, ask questions, obtain additional information, or submit comments regarding this extension by March 11, 2024, by contacting Jayasree Sankaran by U.S. mail, telephone, or email. The addresses are as follows:

U.S. Mail

Texas Health and Human Services Commission

Attention: Jayasree Sankaran, Waiver Coordinator, Federal Coordination, Rules and Committees

701 W. 51st Street

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Austin, Texas 78751

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TRD-202400339

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: January 30, 2024



Public Notice - Home and Community-Based Services Adult Mental Health (HCBS-AMH) §1915(i) State Plan Benefit

The Texas Health and Human Services Commission (HHSC) announces its intent to submit transmittal number (TN) 24-0008 to the Texas State Plan for Medical Assistance under Title XIX of the Social Security Act.

The Centers for Medicare and Medicaid Services approved the Home and Community-Based Services Adult Mental Health (HCBS-AMH) §1915(i) State Plan benefit through August 31, 2025. The requested effective date for this proposed amendment is January 1, 2024.

The request proposes to amend existing language regarding Electronic Visit Verification (EVV) requirements. HHSC currently requires program providers to use EVV for certain personal care services. This amendment addresses the requirement in §1903(l) of the Social Security Act (U.S.C. Title 42, §1396b(l)) to also use EVV for home health care services. The amendment references the state rules that describe all of the services for which the use of EVV is required instead of listing the specific services. The personal care services for which the use of EVV is currently required are supported home living and in-home respite. The home health care service for which the use of EVV will be required effective January 1, 2024, is nursing services. The proposed amendment is estimated to have no fiscal impact.

Interested parties may obtain additional information and/or a free copy of the proposed amendment by contacting Nicole Hotchkiss, State Plan Coordinator, by mail or telephone at the address and telephone number provided below, or by email. Copies of the proposed amendments will be available for review at the local HHS offices. Comments about the proposed amendment must be submitted to HHSC by March 11, 2024.

U.S. Mail

Texas Health and Human Services Commission

Attention: Nicole Hotchkiss, SPA Coordinator, Federal Coordination, Rules and Committees

Health and Human Services Commission

P.O. Box 13247,

Mail Code H-310

Austin, Texas 78711

Overnight Mail, special delivery mail, or hand delivery

Texas Health and Human Services Commission

Attention: Nicole Hotchkiss, SPA Coordinator, Federal Coordination, Rules and Committees

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TRD-202400341

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: January 30, 2024



Public Notice - Texas State Plan for Medical Assistance Amendment

The Texas Health and Human Services Commission (HHSC) announces its intent to submit amendments to the Texas State Plan for Medical Assistance, under Title XIX of the Social Security Act. The proposed amendments will be effective March 1, 2024.

The purpose of the amendments is to update the fee schedules in the current state plan by adjusting fees, rates, or charges for the following services:

Physicians and Other Practitioners;

Clinical Diagnostic Labs;

Outpatient Hospital Services;

Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS); and

Early and Periodic Screening, Diagnosis and Treatment Services (EPSDT).

The proposed amendment is estimated to result in an annual aggregate savings of (\$201,167) for federal fiscal year (FFY) 2024, consisting of (\$121,002) in federal funds and (\$80,165) in state general revenue. For FFY 2025, the estimated annual aggregate savings is (\$352,936) consisting of (\$211,762) in federal funds and (\$141,174) in state general revenue. For FFY 2026, the estimated annual aggregate savings is (\$349,091) consisting of (\$209,455) in federal funds and (\$139,636) in state general revenue.

Further detail on specific reimbursement rates and percentage changes will be made available on the HHSC Provider Finance website under the proposed effective date at: <https://pfd.hhs.texas.gov/rate-packets>.

Rate Hearings.

A rate hearing was conducted in person and online on November 14, 2023. Information about the proposed rate changes and hearing was published in the October 20, 2023, issue of the *Texas Register* (48 TexReg 6242). Additional information and the notice of hearings can be found at <https://www.sos.state.tx.us/texreg/index.shtml>. Archived recordings of the hearings can be found at <https://www.hhs.texas.gov/about/meetings-events>.

Copy of Proposed Amendment.

Interested parties may obtain additional information and/or a free copy of the proposed amendment by contacting Nicole Hotchkiss, State Plan Policy Advisor, by mail at the Health and Human Services Commission, P.O. Box 13247, Mail Code H-600, Austin, Texas 78711; by telephone at (512) 487-3349; by facsimile at (512) 730-7472; or by e-mail at Medicaid_Chip_SPA_Inquiries@hhsc.state.tx.us. Copies of the proposed amendment will be available for review at the local county offices of HHSC, (which were formerly the local offices of the Texas Department of Aging and Disability Services).

Written Comments.

Written comments about the proposed amendment and/or requests to review comments may be sent by U.S. mail, overnight mail, special delivery mail, hand delivery, fax, or email:

U.S. Mail

Texas Health and Human Services Commission

Attention: Provider Finance Department

P.O. Box 149030

Mail Code H-400

Austin, Texas 78714-9030
Overnight mail, special delivery mail, or hand delivery
Texas Health and Human Services Commission
Attention: Provider Finance Department
North Austin Complex
4601 W. Guadalupe St.
Mail Code H-400
Austin, Texas 78751
Phone number for package delivery: (512) 730-7401
Fax
Attention: Provider Finance at (512) 730-7475
Email

PFDAcuteCare@hhs.texas.gov

Preferred Communication.

For quickest response, please use e-mail or phone, if possible, for communication with HHSC related to this state plan amendment.

TRD-202400331

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: January 30, 2024

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Department of State Health Services

Licensing Actions for Radioactive Materials

During the first half of December 2023, 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
GALVESTON	GALVESTON COLLEGE DBA GALVESTON COLLEGE NUCLEAR MEDICINE PROGRAM	L07202	GALVESTON	00	12/05/23

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
ALVIN	EQUISTAR CHEMICALS LP	L03363	ALVIN	33	12/01/23
AMARILLO	CITY OF AMARILLO DEPARTMENT OF CAPITAL PROJECTS & DEVELOPMENT ENGINEERING	L02320	AMARILLO	32	12/11/23
AUSTIN	THE UNIVERSITY OF TEXAS AT AUSTIN	L00485	AUSTIN	101	12/11/23
AUSTIN	ASCENSION SETON MEDICAL CENTER DEPARTMENT OF RADIOLOGY	L00268	AUSTIN	176	12/04/23
BAY CITY	MATAGORDA COUNTY HOSPITAL DISTRICT DBA MATAGORDA REGIONAL MEDICAL CENTER	L02701	BAY CITY	28	12/13/23
BAYTOWN	SAN JACINTO METHODIST HOSPITAL DBA HOUSTON METHODIST BAYTOWN HOSPITAL	L02388	BAYTOWN	84	12/06/23
BORGER	SOLVAY SPECIALTY POLYMERS USA LLC	L06719	BORGER	03	12/01/23

AMENDMENTS TO EXISTING LICENSES ISSUED:(continued)

CARROLLTON	JUBILANT DRAXIMAGE INC DBA JUBILANT RADIOPHARMA	L06943	CARROLLTON	19	12/12/23
DALLAS	CARDIOLOGY SPECIALISTS OF NORTH TEXAS PLLC	L06941	DALLAS	02	12/11/23
DALLAS	HEARTPLACE PLLC	L04607	DALLAS	80	12/11/23
DALLAS	THE UNIVERSITY OF TEXAS SOUTHWESTERN MEDICAL CENTER AT DALLAS	L00384	DALLAS	141	12/11/23
DENTON	HEALTHTEXAS PROVIDER NETWORK DBA BAYLOR SCOTT & WHITE DENTON HEART GROUP	L06777	DENTON	04	12/13/23
DENTON	COLUMBIA MEDICAL CENTER OF DENTON SUBSIDIARY LP DBA MEDICAL CITY DENTON	L02764	DENTON	79	12/04/23
EL PASO	IONETIX CORPORATION	L07100	EL PASO	03	12/06/23
FORT WORTH	ONCOLOGY HEMATOLOGY CONSULTANTS PA DBA THE CENTER FOR CANCER ANDBLOOD DISORDERS	L05919	FORT WORTH	34	12/06/23
GARLAND	MICROPAC INDUSTRIES INC	L06376	GARLAND	05	12/06/23
GRAPEVINE	MNX GLOBAL LOGISTICS CORP	L07144	GRAPEVINE	02	12/07/23
HOUSTON	INSIGNIA TTG PARENT LLC	L05791	HOUSTON	20	12/5/23
HOUSTON	KELSEY-SEYBOLD MEDICAL GROUP PLLC DBA KELSEY- SEYBOLD CLINIC	L00391	HOUSTON	85	12/05/23

AMENDMENTS TO EXISTING LICENSES ISSUED:(continued)

HOUSTON	MEMORIAL HERMANN HEALTH SYSTEM	L03772	HOUSTON	177	12/11/23
IRVING	BAYLOR MEDICAL CENTER AT IRVING DBA BAYLOR SCOTT & WHITE MEDICAL CENTER - IRVING	L02444	IRVING	128	12/12/23
KOSSE	LUMINANT MINING CO LLC DBA LUMINANT	L06177	KOSSE	05	12/11/23
MCALLEN	MCALLEN HOSPITALS LP DBA SOUTH TEXAS HEALTH SYSTEM HEART	L04902	MCALLEN	30	12/11/23
MCALLEN	MCALLEN HOSPITALS LP DBA SOUTH TEXAS HEALTH SYSTEM MCALLEN	L01713	MCALLEN	101	12/11/23
NORTH RICHLAND HILLS	MEDHEALTH DBA METHODIST CARDIOVASCULAR CONSULTANTS	L07176	NORTH RICHLAND HILLS	01	12/13/23
ORANGE	SOLVAY SPECIALTY POLYMERS USA LLC	L06515	ORANGE	07	12/05/23
PASADENA	THE GOODYEAR TIRE & RUBBER COMPANY	L04321	PASADENA	21	12/13/23
SACHSE	SUNLAND MEDICAL FOUNDATION DBA TRINITY REGIONAL HOSPITAL SACHSE	L07140	SACHSE	01	12/11/23
SAN ANTONIO	BHS PHYSICIANS NETWORK INC DBA HEART & VASCULAR INSTITUTE OF TEXAS	L06750	SAN ANTONIO	28	12/08/23
THE WOODLANDS	E+PET IMAGING VIII LP	L05747	THE WOODLANDS	15	12/01/23
THROUGHOUT TX	TERRADYNE ENGINEERING INC	L06525	EULESS	09	12/13/23

AMENDMENTS TO EXISTING LICENSES ISSUED:(continued)

THROUGHOUT TX	BAKER HUGHES OILFIELD OPERATIONS LLC	L00446	HOUSTON	201	12/06/23
THROUGHOUT TX	BAKER HUGHES OILFIELD OPERATIONS LLC	L00446	HOUSTON	204	12/07/23
THROUGHOUT TX	KIEWIT ENERGY GROUP	L07053	INGLESIDE	02	12/11/23
THROUGHOUT TX	MULTI PHASE METER SOLUTIONS LLC	L07141	MIDLAND	04	12/14/23
THROUGHOUT TX	PROTECT LLC	L07110	MIDLAND	08	12/08/23
THROUGHOUT TX	PRO INSPECTION INC	L06666	ODESSA	20	12/13/23
THROUGHOUT TX	TRACERCO US LLC	L03096	PASADENA	108	12/05/23
THROUGHOUT TX	RABA-KISTNER INC	L01571	SAN ANTONIO	104	12/15/23
THROUGHOUT TX	SQS NDT LP	L06896	SANGER	09	12/05/23
THROUGHOUT TX	MID-TEX TESTING LLC	L06674	WACO	05	12/07/23

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
ALLEN	TEXAS HEALTH PRESBYTERIAN HOSPITAL ALLEN	L05765	ALLEN	41	12/11/23
ALLEN	TEXAS HEALTH PRESBYTERIAN HOSPITAL ALLEN	L05765	ALLEN	41	12/11/23
BEAUMONT	ADVANCED CARDIOVASCULAR SPECIALISTS LLP	L05512	BEAUMONT	22	12/05/23
BEAUMONT	ADVANCED CARDIOVASCULAR SPECIALISTS LLP	L05512	BEAUMONT	22	12/05/23
CARROLLTON	ALPHA ENERGY LABORATORIES INC	L02814	CARROLLTON	21	12/01/23

RENEWAL OF LICENSES ISSUED:(continued)

DALLAS	DALLAS MEDICAL CENTER LLC	L06584	DALLAS	18	12/11/23
HOUSTON	THE MURILLO COMPANY GEOTECHNICAL AND ENVIRONMENTAL CONSULTANTS	L01373	HOUSTON	24	12/11/23
KATY	MEMORIAL CITY CARDIOLOGY ASSOCIATES DBA MEMORIAL KATY CARDIOLOGY ASSOCIATES	L05713	KATY	25	12/13/23
KATY	MEMORIAL CITY CARDIOLOGY ASSOCIATES DBA KATY CARDIOLOGY ASSOCIATES	L05713	KATY	25	12/13/23
SAN ANTONIO	CARDIOLOGY OF SAN ANTONIO PA	L05408	SAN ANTONIO	08	12/06/23
SAN ANTONIO	CARDIOLOGY OF SAN ANTONIO PA	L05408	SAN ANTONIO	08	12/06/23
THROUGHOUT TX	PIONEER INSPECTION SERVICES INC	L06553	SPRING	06	12/08/23

TERMINATIONS OF LICENSES ISSUED:

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
KINGSVILLE	CHRISTUS SPOHN HEALTH SYSTEM	L02917	KINGSVILLE	60	12/11/23
TAYLOR	LML SERVICES – TX INC DBA LML ENGINEERING	L06173	TAYLOR	06	12/05/23

TRD-202400375
Cynthia Hernandez
General Counsel
Department of State Health Services
Filed: January 31, 2024

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Licensing Actions for Radioactive Materials

During the second half of December 2023, 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
LUBBOCK	COLIBRI ISOTOPES CORPORATION	L07203	LUBBOCK	00	12/18/23
THROUGHOUT TX	GUARDIAN NDT LLC	L07204	ODESSA	00	12/28/23

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
ABILENE	HENDRICK MEDICAL CENTER	L02433	ABILENE	142	12/29/23
AMARILLO	BSA HOSPITAL LLC DBA HARRINGTON CANCER CENTER	L06556	AMARILLO	20	12/19/23
AUSTIN	PHARMALOGIC AUSTIN LLC	L07199	AUSTIN	01	12/19/23
AUSTIN	ARA ST DAVIDS IMAGING LP	L05862	AUSTIN	123	12/20/23
AUSTIN	AUSTIN RADIOLOGICAL ASSOCIATION	L00545	AUSTIN	250	12/20/23
BEDFORD	TEXAS ONCOLOGY PA	L05545	BEDFORD	81	12/15/23
COLLEGE STATION	TEXAS A & M UNIVERSITY	L00448	COLLEGE STATION	163	12/29/23
DALLAS	UT SOUTHWESTERN MEDICAL CENTER	L06663	DALLAS	23	12/20/23
DALLAS	CARDINAL HEALTH	L05610	DALLAS	53	12/20/23
DALLAS	UNIVERSITY OF TEXAS SOUTHWESTERN MEDICAL CENTER AT DALLAS	L05947	DALLAS	56	12/19/23

AMENDMENTS TO EXISTING LICENSES ISSUED:(continued)

DALLAS	THE UNIVERSITY OF TEXAS SOUTHWESTERN MEDICAL CENTER AT DALLAS	L00384	DALLAS	142	12/19/23
EL PASO	TENET HOSPITALS LIMITED DBA THE HOSPITALS OF PROVIDENCE EAST CAMPUS	L06152	EL PASO	40	12/22/23
GRAPEVINE	BAYLOR REGIONAL MEDICAL CENTER AT GRAPEVINE DBA BAYLOR SCOTT & WHITE MEDICAL CENTER GRAPEVINE	L03320	GRAPEVINE	46	12/15/23
HOUSTON	THE UNIVERSITY OF TEXAS MD ANDERSON CANCER CENTER	L06366	HOUSTON	25	12/20/23
HOUSTON	MEMORIAL HERMANN MEDICAL GROUP	L06430	HOUSTON	52	12/15/23
HOUSTON	THE UNIVERSITY OF TEXAS MD ANDERSON CANCER CENTER	L06227	HOUSTON	61	12/22/23
HOUSTON	CARDINAL HEALTH 414 LLC DBA CARDINAL HEALTH NUCLEAR PHARMACY SERVICES	L05536	HOUSTON	67	12/20/23
HOUSTON	METHODIST HEALTH CENTERS DBA HOUSTON METHODIST WILLOWBROOK HOSPITAL	L05472	HOUSTON	74	12/18/23

AMENDMENTS TO EXISTING LICENSES ISSUED:(continued)

LONGVIEW	CHRISTUS GOOD SHEPHERD MEDICAL CENTER DBA CHRISTUS GOOD SHEPHERD MEDICAL CENTER - LONGVIEW	L06902	LONGVIEW	13	12/15/23
LUBBOCK	ISORX TEXAS LTD	L05284	LUBBOCK	43	12/27/23
MANSFIELD	TEXAS HEALTH HOSPITAL MANSFIELD	L07076	MANSFIELD	06	12/29/23
MESQUITE	PRIME HEALTHCARE SERVICES MESQUITE LLC	L06727	MESQUITE	04	12/19/23
PASADENA	PMC HOSPITAL LLC	L06384	PASADENA	11	12/21/23
SAN ANTONIO	SOUTH TEXAS BLOOD & TISSUE CENTER	L04381	SAN ANTONIO	21	12/15/23
THROUGHOUT TX	FLYING A PUMPING SERVICES LLC	L07134	CISCO	03	12/20/23
THROUGHOUT TX	IRISNDT INC	L06435	HOUSTON	35	12/22/23
THROUGHOUT TX	RUIZ TESTING SERVICES INC	L04948	SAN ANTONIO	23	12/21/23
TYLER	ALLENS NUTECH INC	L04274	TYLER	107	12/15/23

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
PORT ARTHUR	MURLIDHAR A AMIN MD PA	L05735	PORT ARTHUR	19	12/19/23

EXEMPTIONS ISSUED:

Location of Use/Possession of Material	Name of Licensed Entity	License Number	Exemption Number	City of Licensed Entity	Amendment Number	Date of Action
COLLEGE STATION	TEXAS A & M UNIVERSITY	L00448	E23-02	COLLEGE STATION	163	12/29/23

TRD-202400376
Cynthia Hernandez
General Counsel
Department of State Health Services
Filed: January 31, 2024

Order Temporarily Placing Etizolam, Flualprazolam, Clonazolam, Flubromazolam, and Diclazepam into Schedule I, Implementing the Designer Steroid control Act of 2014 (Schedule III), and Placing Metonitazene into Schedule I

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The U.S. Drug Enforcement Administration issued an order temporarily placing 4-(2-chlorophenyl)-2-ethyl-9-methyl-6*H*-thieno[3,2-*f*][1,2,4]triazolo[4,3-*a*][1,4]diazepine (commonly known as etizolam), 8-chloro-6-(2-fluorophenyl)-1-methyl-4*H*-benzo[*f*][1,2,4]triazolo[4,3-*a*][1,4]diazepine (commonly known as flualprazolam), 6-(2-chlorophenyl)-1-methyl-8-nitro-4*H*-benzo[*f*][1,2,4]triazolo[4,3-*a*][1,4]diazepine (commonly known as clonazolam), 8-bromo-6-(2-fluorophenyl)-1-methyl-4*H*-benzo[*f*][1,2,4]triazolo[4,3-*a*][1,4]diazepine (alternate chemical name: 8-bromo-6-(2-fluorophenyl)-1-methyl-4*H*-[1,2,4]triazolo[4,3-*a*][1,4]benzodiazepine and commonly known as flubromazolam), and 7-chloro-5-(2-chlorophenyl)-1-methyl-1,3-dihydro-2*H*-benzo[*e*][1,4]diazepin-2-one (commonly known as diclazepam), including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible, in schedule I of the Controlled Substances Act. This order was published in the *Federal Register*, Volume 88, Number 142, pages 48112-48118, and was effective July 26, 2023.

This scheduling action was taken pursuant to the following:

1. Etizolam, flualprazolam, clonazolam, flubromazolam, and diclazepam have high potential for abuse;
2. There is currently no accepted medical use in treatment in the United States;
3. There is a lack of accepted safety for use under medical supervision; and
4. Control of etizolam, flualprazolam, clonazolam, flubromazolam, and diclazepam is necessary to avoid an imminent hazard to public safety.

The U.S. Drug Enforcement Administration (DEA) issued a final rule amending the definition of “anabolic steroid” and adding new specific substances to the list of schedule III anabolic steroids. This order was published in the *Federal Register*, Volume 88, Number 146, pages 50036-50041, and was effective August 1, 2023. This action was taken to implement requirements under the Designer Anabolic Steroid Control Act of 2014 (DASCA). The DEA published this rule to amend and reorganize its regulations and to codify the statutory amendments to the Controlled Substances Act (CSA) made by DASCA. The Department is adopting these changes to maintain consistency with the format and substance of DEA regulations.

The U.S. Drug Enforcement Administration issued a final rule permanently placing *N,N*-diethyl-2-(2-(4-methoxybenzyl)-5-nitro-1*H*-benzimidazol-1-yl)ethan-1-amine (metonitazene), including its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation, in schedule I of the Controlled Substances Act. This final rule was published in the *Federal Register*, Volume 88, Number 159, pages 56466-56469, and is effective September 18, 2023.

This scheduling action was taken pursuant to the following:

1. In order to meet the United States' obligations under the 1961 United Nations Single Convention on Narcotic Drugs;
2. Metonitazene has no currently accepted medical use in treatment in the United States;
3. Metonitazene has a pharmacological profile similar to etonitazene (schedule I), isotonitazene (schedule I), and other schedule I and II synthetic opioids; and
4. The use of metonitazene presents a high risk of abuse.

Pursuant to Section 481.034(g), as amended by the 75th legislature, of the Texas Controlled Substances Act, Health and Safety Code, Chapter 481, at least thirty-one days have expired since notice of the above referenced actions were published in the Federal Register. In the capacity as Commissioner of the Texas Department of State Health Services, Jennifer Shuford, M.D., does hereby order that the substances etizolam, flualprazolam, clonazolam, flubromazolam, and diclazepam be placed into schedule I temporarily controlled substances, amendments to schedule III anabolic steroids and hormones, and metonitazene be placed into Schedule I.

-Schedule I opiates

The following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, if the existence of these isomers, esters, ethers, and salts are possible within the specific chemical designation:

- (1) Acetyl- α -methylfentanyl (*N*-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-*N*-phenylacetamide);
- (2) Acetylmethadol;

- (3) Acetyl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylacetamide);
- (4) Acryl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylacrylamide) (Other name: acryloylfentanyl);
- (5) AH-7921 (3,4-dichloro-*N*-[1-(dimethylamino) cyclohexymethyl]benzamide);
- (6) Allylprodine;
- (7) Alphacetylmethadol (except levo- α -cetylmethadol, levo- α -acetylmethadol, levomethadyl acetate, or LAAM);
- (8) α -Methylfentanyl or any other derivative of fentanyl;
- (9) α -Methylthiofentanyl (*N*-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl] *N*-phenylpropanamide);
- (10) Benzethidine;
- (11) β -Hydroxyfentanyl (*N*-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-*N*-phenylpropanamide);
- (12) β -Hydroxy-3-methylfentanyl (*N*-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-*N*-phenylpropanamide);
- (13) β -hydroxythiofentanyl (Other names: *N*-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-*N*-phenylpropionamide; *N*-[1-[2-hydroxy-2-(2-thienyl)ethyl]-4-piperidinyl]-*N*-phenylpropanamide);
- (14) β -Methyl fentanyl (*N*-phenyl-*N*-(1-(2-phenylpropyl)piperidin-4-yl)propionamide);
- (15) β' -Phenyl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*,3-diphenylpropanamide) (Other name: 3-phenylpropanoyl fentanyl);
- (16) Betaprodine;
- (17) Brorphine (1-(1-(1-(4-bromophenyl)ethyl)piperidin-4-yl)-1,3-dihydro-2H-benzo[d]imidazol-2-one);
- (18) Butyryl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylbutanamide);
- (19) Clonitazene;
- (20) Crotonyl fentanyl (Other name: (6-2-5) (E)-*N*-(1-Phenethylpiperidin-4-yl)-*N*-phenylbut-2-enamide);
- (21) Cyclopentyl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-Phenylcyclopentanecarboxamide);
- (22) Cyclopropyl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylcyclopropanecarboxamide);
- (23) Diampromide;
- (24) Diethylthiambutene;
- (25) Difenoxyin;
- (26) Dimenoxadol;
- (27) Dimethylthiambutene;
- (28) Dioxaphetyl butyrate;
- (29) Dipipanone;
- (30) Ethylmethylthiambutene;
- (31) Etonitazene;

- (32) Etoxidine;
- (33) Fentanyl carbamate (ethyl (1-phenethylpiperidin-4-yl)(phenyl)carbamate);
- (34) 4-Fluoroisobutyryl fentanyl (*N*-(4-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)isobutyramide) (Other name: *p*-fluoroisobutyryl fentanyl);
- (35) 2'-Fluoro *o*-fluorofentanyl (*N*-(1-(2-fluorophenethyl)piperidin-4-yl)-*N*-(2-fluorophenyl)propionamide (Other name: 2'-fluoro 2-fluorofentanyl);
- (36) Furanyl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylfuran-2-carboxamide);
- (37) Furethidine;
- (38) Hydroxypethidine;
- (39) Isobutyryl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylisobutyramide);
- (40) Isotonitazene (*N,N*-diethyl-2-(2-(4-isopropoxybenzyl)-5-nitro-1*H*-benzimidazol-1-yl)ethan-1-amine);
- (41) Ketobemidone;
- (42) Levophenacylmorphane;
- (43) Meprodine;
- (44) Methadol;
- (45) Methoxyacetyl fentanyl (2-methoxy-*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylacetamide);
- (46) 4'-Methyl acetyl fentanyl (*N*-(1-(4-methylphenethyl)piperidin-4-yl)-*N*-phenylacetamide);
- (47) 3-Methylfentanyl (*N*-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-*N*-phenylpropanamide);
- (48) 3-Methylthiofentanyl (*N*-[3-methyl-1-(2-thienyl)ethyl-4-piperidyl]-*N*-phenylpropanamide);
- *(49) Metonitazene (*N,N*-diethyl-2-(2-(4-methoxybenzyl)-5-nitro-1*H*-benzimidazol-1-yl)ethan-1-amine);
- (50) Moramide;
- (51) Morpheridine;
- (52) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
- (53) MT-45 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine);
- (54) Noracymethadol;
- (55) Norlevorphanol;
- (56) Normethadone;
- (57) Norpipanone;
- (58) Ocfentanil (*N*-(2-fluorophenyl)-2-methoxy-*N*-(1-phenethylpiperidin-4-yl)acetamide);
- (59) *o*-Fluoroacryl fentanyl (*N*-(2-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)acrylamide);
- (60) *o*-Fluorobutyryl fentanyl (*N*-(2-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)butyramide (Other name: 2-fluorobutyryl fentanyl);

- (61) *o*-Fluorofentanyl (*N*-(2-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)propionamide) (Other name: 2-fluorofentanyl);
- (62) *o*-Fluoroisobutyryl fentanyl (*N*-(2-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)isobutyramide);
- (63) *o*-Methyl acetylfentanyl (*N*-(2-methylphenyl)-*N*-(1-phenethylpiperidin-4-yl)acetamide (Other name: 2-methyl acetylfentanyl);
- (64) *o*-Methyl methoxyacetyl fentanyl (2-methoxy-*N*-(2-methylphenyl)-*N*-(1-phenethylpiperidin-4-yl)acetamide (Other name: 2-methyl methoxyacetyl fentanyl);
- (65) *p*-Chloroisobutyryl fentanyl (*N*-(4-chlorophenyl)-*N*-(1-phenethylpiperidin-4-yl)isobutyramide);
- (66) *p*-Fluorobutyryl fentanyl (*N*-(4-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)butyramide);
- (67) *p*-Fluorofentanyl (*N*-(4-fluorophenyl)-*N*-[1-(2-phenethyl)-4 piperidinyl]propanamide);
- (68) *p*-Fluoro furanyl fentanyl (*N*-(4-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)furan-2-carboxamide);
- (69) *p*-Methoxybutyryl fentanyl (*N*-(4-methoxyphenyl)-*N*-(1-phenethylpiperidin-4-yl)butyramide);
- (70) *p*-Methylfentanyl (*N*-(4-methylphenyl)-*N*-(1-phenethylpiperidin-4-yl)propionamide (Other name: 4-methylfentanyl);
- (71) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);
- (72) Phenadoxone;
- (73) Phenampromide;
- (74) Phencyclidine;
- (75) Phenomorphan;
- (76) Phenoperidine;
- (77) Phenyl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylbenzamide (Other name: benzoyl fentanyl);
- (78) Piritramide;
- (79) Proheptazine;
- (80) Properidine;
- (81) Propiram;
- (82) Tetrahydrofuranyl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenyltetrahydrofuran-2-carboxamide);
- (83) Thiofentanyl (*N*-phenyl-*N*-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide);
- (84) Thiofuranyl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylthiophene-2-carboxamide (Other names: 2-thiofuranyl fentanyl; thiophene fentanyl);
- (85) Tilidine;
- (86) Trimeperidine;
- (87) U-47700 (3,4-dichloro-*N*-[2-(dimethylamino)cyclohexyl]-*N*-methylbenzamide);
- (88) Valeryl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylpentanamide); and,

(89) Zipeprol (1-methoxy-3-[4-(2-methoxy-2-phenylethyl)piperazin-1-yl]-1-phenylpropan-2-ol).

-Schedule I temporarily listed substances subject to emergency scheduling by the U.S. Drug Enforcement Administration.

Unless specifically excepted or unless listed in another schedule, a material, compound, mixture, or preparation that contains any quantity of the following substances or that contains any of the substance's isomers, esters, ethers, salts and salts of isomers, esters, and ethers if the existence of the salts, esters, ethers isomers, and salts of isomers, esters, ethers is possible within the specific chemical designation:

(1) Fentanyl-related substances.

(1-1) Fentanyl-related substance means any substance not otherwise listed under another Administration Controlled Substance Code Number, and for which no exemption or approval is in effect under Section 505 of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 355], that is structurally related to fentanyl by one or more of the following modifications:

(1-1-1) Replacement of the phenyl portion of the phenethyl group by any monocycle, whether or not further substituted in or on the monocycle,

(1-1-2) Substitution in or on the phenethyl group with alkyl, alkenyl, alkoxy, hydroxyl, halo, haloalkyl, amino or nitro groups,

(1-1-3) Substitution in or on the piperidine ring with alkyl, alkenyl, alkoxy, ester, ether, hydroxyl, halo, haloalkyl, amino or nitro groups,

(1-1-4) Replacement of the aniline ring with any aromatic monocycle whether or not further substituted in or on the aromatic monocycle, and/or

(1-1-5) Replacement of the *N*-propionyl group by another acyl group.

(1-2) This definition includes, but is not limited to, the following substances:

(1-2-1) *N*-(1-(2-Fluorophenethyl)piperidin-4-yl)-*N*-(2-fluorophenyl)propionamide (Other name: 2'-fluoro-*o*-fluorofentanyl);

(1-2-2) *N*-(2-Methylphenyl)-*N*-(1-phenethylpiperidin-4-yl)acetamide (Other name: *o*-methyl acetylfentanyl);

(1-2-3) *N*-(1-Phenethylpiperidin-4-yl)-*N*,3-diphenylpropanamide (Other names: β' -phenyl fentanyl; hydrocinnamoyl fentanyl); and,

(1-2-4) *N*-(1-Phenethylpiperidin-4-yl)-*N*-phenylthiophene-2-carboxamide (Other name: thiofuranyl fentanyl).

(2) 2-(2-(4-Butoxybenzyl)-5-nitro-1*H*-benzimidazol-1-yl)-*N,N*-diethylethan-1-amine (Other name: butonitazene);

(3) 2-(2-(4-Ethoxybenzyl)-1*H*-benzimidazol-1-yl)-*N,N*-diethylethan-1-amine (Other names: etodesnitazene; etazene);

(4) *N,N*-Diethyl-2-(2-(4-fluorobenzyl)-5-nitro-1*H*-benzimidazol-1-yl)ethan-1-amine (Other name: flunitazene);

(5) *N,N*-Diethyl-2-(2-(4-methoxybenzyl)-1*H*-benzimidazol-1-yl)ethan-1-amine (Other name: metodesnitazene);

~~*(6) *N,N*-Diethyl-2-(2-(4-methoxybenzyl)-5-nitro-1*H*-benzimidazol-1-yl)ethan-1-amine (Other name: metonitazene);~~

(6) 2-(4-Ethoxybenzyl)-5-nitro-1-(2-(pyrrolidin-1-yl)ethyl)-1*H*-benzimidazole (Other names: *N*-pyrrolidino etonitazene; etonitazepyne);

(7) *N,N*-Diethyl-2-(5-nitro-2-(4-propoxybenzyl)-1*H*-benzimidazol-1-yl)ethan-1-amine (Other name: protonitazene);

*(8) 4-(2-chlorophenyl)-2-ethyl-9-methyl-6*H*-thieno[3,2-*f*][1,2,4]triazolo[4,3-*σ*][1,4]diazepine (Other name: etizolam);

*(9) 8-chloro-6-(2-fluorophenyl)-1-methyl-4*H*-benzo[*f*][1,2,4]triazolo[4,3-*σ*][1,4]diazepine (Other name: flualprazolam);

*(10) 6-(2-chlorophenyl)-1-methyl-8-nitro-4*H*-benzo[*f*][1,2,4]triazolo[4,3-*σ*][1,4]diazepine (Other name: clonazolam);

*(11) 8-bromo-6-(2-fluorophenyl)-1-methyl-4*H*-benzo[*f*][1,2,4]triazolo[4,3-*σ*][1,4]diazepine (Other names: 8-bromo-6-(2-fluorophenyl)-1-methyl-4*H*-[1,2,4]triazolo[4,3-*σ*][1,4]benzodiazepine and flubromazolam); and,

*(12) 7-chloro-5-(2-chlorophenyl)-1-methyl-1,3-dihydro-2*H*-benzo[*e*][1,4]diazepin-2-one (Other name: diclazepam).

-Schedule III anabolic steroids and hormones

*Anabolic steroids. Unless specifically excepted or unless listed in another schedule, any substance meeting the definition of anabolic steroid as set forth in 21 CFR §1300.01, including any material, compound, mixture or preparation containing any quantity of the following substances, including its salts, esters and ethers:

(1) 5α-androstan-3,17-dione;

*(2) 5α-androstan-3,6,17-trione;

(3) 1-androstenediol (3β,17β-dihydroxy-5α-androst-1-ene);

(4) 1-androstenediol (3α,17β-dihydroxy-5α-androst-1-ene);

(5) 4-androstenediol (3β,17β-dihydroxy-androst-4-ene);

(6) 5-androstenediol (3β,17β-dihydroxy-androst-5-ene);

(7) 1-androstenedione (5α-androst-1-en-3,17-dione);

(8) 4-androstenedione (androst-4-en-3,17-dione);

(9) 5-androstenedione (androst-5-en-3,17-dione);

(10) bolasterone (7α,17α-dimethyl-17β-hydroxyandrost-4-en-3-one);

(11) boldenone (17β-hydroxyandrost-1,4-diene-3-one);

- (12) boldione (androsta-1,4-diene-3,17-dione);
- *(13) 6-bromo-androsta-1,4-diene-3,17-dione;
- *(14) 6-bromo-androstan-3,17-dione;
- (15) calusterone (7 β ,17 α -dimethyl-17 β -hydroxyandrost-4-en-3-one);
- *(16) 4-chloro-17 α -methyl-androsta-1,4-diene-3,17 β -diol;
- *(17) 4-chloro-17 α -methyl-androst-4-ene-3 β ,17 β -diol;
- *(18) 4-chloro-17 α -methyl-17 β -hydroxy-androst-4-en-3-one;
- *(19) 4-chloro-17 α -methyl-17 β -hydroxy-androst-4-ene-3,11-dione;
- (20) clostebol (4-chloro-17 β -hydroxyandrost-4-en-3-one);
- (21) dehydrochloromethyltestosterone (4-chloro-17 β -hydroxy-17 α -methyl-androst-1,4-dien-3-one);
- (22) desoxymethyltestosterone (17 α -methyl-5 α -androst-2-en-17 β -ol) (Other name: madol);
- (23) 4-dihydrotestosterone (17 β -hydroxy-androstan-3-one);
- (24) Δ 1-dihydrotestosterone (17 β -hydroxy-5 α -androst-1-en-3-one) (Other name: 1-testosterone);
- (25) 3 β ,17 β -dihydroxy-5 α -androstane;
- (26) 3 α ,17 β -dihydroxy-5 α -androstane;
- *(27) 2 α ,17 α -dimethyl-17 β -hydroxy-5 β -androstane-3-one;
- (28) drostanolone (17 β -hydroxy-2 α -methyl-5 α -androstane-3-one);
- *(29) 2 α ,3 α -epithio-17 α -methyl-5 α -androstane-17 β -ol;
- *(30) estra-4,9,11-triene-3,17-dione;
- (31) 13 β -ethyl-17 β -hydroxygon-4-en-3-one;
- (32) ethylestrenol (17 α -ethyl-17 β -hydroxyestr-4-ene);
- (33) fluoxymesterone (9-fluoro-17 α -methyl-11 β ,17 β -dihydroxyandrost-4-en-3-one);
- (34) formebolone (2-formyl-17 α -methyl-11 α ,17 β -dihydroxyandrost-1,4-dien-3-one);
- (35) furazabol (17 α -methyl-17 β -hydroxyandrostan[2,3-c]furazan);
- *(36) [3,2-c]furazan-5 α -androstane-17 β -ol;
- *(37) 18 α -homo-3-hydroxy-estra-2,5(10)-dien-17-one;
- (38) 4-hydroxy-19-nortestosterone (4,17 β -dihydroxy-estr-4-en-3-one);
- *(39) 4-hydroxy-androst-4-ene-3,17-dione;
- *(40) 17 β -hydroxy-androstano[2,3-d]isoxazole;
- *(41) 17 β -hydroxy-androstano[3,2-c]isoxazole;
- *(42) 3 β -hydroxy-estra-4,9,11-trien-17-one;
- (43) 4-hydroxytestosterone (4,17 β -dihydroxy-androst-4-en-3-one);
- (44) mestanolone (17 α -methyl-17 β -hydroxy-5 α -androstane-3-one);
- (45) mesterolone (1 α -methyl-17 β -hydroxy-5 α -androstane-3-one);
- (46) methandienone (17 α -methyl-17 β -hydroxyandrost-1,4-dien-3-one);
- (47) methandriol (17 α -methyl-3 β ,17 β -dihydroxyandrost-5-ene);

- (48) methasterone (2 α ,17 α -dimethyl-5 α -androstan-17 β -ol-3-one or 2 α ,17 α -dimethyl-17 β -hydroxy-5 α -androstan-3-one);
- (49) methenolone (1-methyl-17 β -hydroxy-5 α -androst-1-en-3-one);
- *(50) 17 α -methyl-androsta-1,4-diene-3,17 β -diol;
- *(51) 17 α -methyl-5 α -androstan-17 β -ol;
- *(52) 17 α -methyl-androstan-3-hydroxyimine-17 β -ol;
- *(53) 6 α -methyl-androst-4-ene-3,17-dione;
- *(54) 17 α -methyl-androst-2-ene-3,17 β -diol;
- (55) 17 α -methyl-3 β ,17 β -dihydroxy-5 α -androstan-3-one;
- (56) 17 α -methyl-3 α ,17 β -dihydroxy-5 α -androstan-3-one;
- (57) 17 α -methyl-3 β ,17 β -dihydroxyandrost-4-ene-3-one;
- (58) 17 α -methyl-4-hydroxynandrolone (17 α -methyl-4-hydroxy-17 β -hydroxyestr-4-en-3-one);
- (59) methyldienolone (17 α -methyl-17 β -hydroxyestra-4,9(10)-dien-3-one);
- (60) 17 α -methyl- Δ 1-dihydrotestosterone (17 β -hydroxy-17 α -methyl-5 α -androst-1-en-3-one) (Other name: 17- α -methyl-1-testosterone);
- (61) methyltestosterone (17 α -methyl-17 β -hydroxyandrost-4-en-3-one);
- (62) methyltrienolone (17 α -methyl-17 β -hydroxyestra-4,9,11-trien-3-one);
- (63) mibolerone (7 α ,17 α -dimethyl-17 β -hydroxyestr-4-en-3-one);
- (64) nandrolone (17 β -hydroxyestr-4-en-3-one);
- (65) 19-nor-4-androstenediol (3 β ,17 β -dihydroxyestr-4-ene);
- (66) 19-nor-4-androstenediol (3 α ,17 β -dihydroxyestr-4-ene);
- (67) 19-nor-5-androstenediol (3 β ,17 β -dihydroxyestr-5-ene);
- (68) 19-nor-5-androstenediol (3 α ,17 β -dihydroxyestr-5-ene);
- (69) 19-nor-4,9(10)-androstadienedione (estra-4,9(10)-diene-3,17-dione);
- (70) 19-nor-4-androstenedione (estr-4-en-3,17-dione);
- (71) 19-nor-5-androstenedione (estr-5-en-3,17-dione);
- (72) norbolethone (13 β ,17 α -diethyl-17 β -hydroxygon-4-en-3-one);
- (73) norclostebol (4-chloro-17 β -hydroxyestr-4-en-3-one);
- (74) norethandrolone (17 α -ethyl-17 β -hydroxyestr-4-en-3-one);
- (75) normethandrolone (17 α -methyl-17 β -hydroxyestr-4-en-3-one);
- (76) oxandrolone (17 α -methyl-17 β -hydroxy-2-oxa-5 α -androstan-3-one);
- (77) oxymesterone (17 α -methyl-4,17 β -dihydroxyandrost-4-en-3-one);
- (78) oxymetholone (17 α -methyl-2-hydroxymethylene-17 β -hydroxy-5 α -androstan-3-one);
- (79) prostanazol (17 β -hydroxy-5 α -androstan-3-ylpyrazole or [3,2-c]pyrazole-5 α -androstan-17 β -ol);
- *(80) [3,2-c]pyrazole-androst-4-en-17 β -ol;
- (81) stanozolol (17 α -methyl-17 β -hydroxy-5 α -androst-2-eno[3,2-c]-pyrazole);
- (82) stenbolone (17 β -hydroxy-2-methyl-5 α -androst-1-en-3-one);
- (83) testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid lactone);

- (84) testosterone (17 β -hydroxyandrost-4-en-3-one);
- (85) tetrahydrogestrinone (13 β ,17 α -diethyl-17 β -hydroxygon-4,9,11-trien-3-one);
- and
- (86) trenbolone (17 β -hydroxyestr-4,9,11-trien-3-one).

Changes are marked by an asterisk(*)

TRD-202400377
Cynthia Hernandez
General Counsel
Department of State Health Services
Filed: January 31, 2024



Texas Higher Education Coordinating Board

Meeting of Negotiated Rulemaking Committee on 100-Mile Non-State Resident Tuition Waiver

Date of Meeting: February 21, 2024

Start Time of Meeting: 9:30 a.m.

Additional Information Obtained From: Laurie Frederick, Convener, Laurie.Frederick@highered.texas.gov

Agenda:

1. Introductions
2. Brief Overview of the Negotiated Rulemaking Process: What it is, What it's not
3. Brief Overview of Roles and Responsibilities
 - a) Role of Facilitator
 - b) Role of Sponsor Agency
 - c) Role of Committee Members
4. Consideration and Possible Action to Approve Facilitator
5. Procedural Issues
 - a) Consideration and Possible Action to Approve Ground Rules
 - b) Consideration and Possible Action to Approve Definition of Consensus
6. Discussion of Draft Rule Language on 100-Mile Non-State Resident Tuition Waiver
7. Consideration and Possible Action to Approve Proposed Rule Language on 100-Mile Non-State Resident Tuition Waiver

Individuals who may require auxiliary aids or services for this meeting should contact Glenn Tramel, ADA Coordinator, at (512) 427-6193 at least five days before the meeting so that appropriate arrangements can be made.

TRD-202400358
Nichole Bunker-Henderson
General Counsel
Texas Higher Education Coordinating Board
Filed: January 31, 2024



Meeting of Negotiated Rulemaking Committee on Nursing Scholarship Program

Date of Meeting: February 26, 2024

Start Time of Meeting: 9:30 a.m.

Additional Information Obtained From: Laurie Frederick, Convener, Laurie.Frederick@highered.texas.gov

Agenda:

1. Introductions
2. Brief Overview of the Negotiated Rulemaking Process: What it is, What it's not
3. Brief Overview of Roles and Responsibilities
 - a) Role of Facilitator
 - b) Role of Sponsor Agency
 - c) Role of Committee Members
4. Consideration and Possible Action to Approve Facilitator
5. Procedural Issues
 - a) Consideration and Possible Action to Approve Ground Rules
 - b) Consideration and Possible Action to Approve Definition of Consensus
6. Discussion of Draft Rule Language on Nursing Scholarship Program
7. Consideration and Possible Action to Approve Proposed Rule Language on Nursing Scholarship Program

Individuals who may require auxiliary aids or services for this meeting should contact Glenn Tramel, ADA Coordinator, at (512) 427-6193 at least five days before the meeting so that appropriate arrangements can be made.

TRD-202400359
Nichole Bunker-Henderson
General Counsel
Texas Higher Education Coordinating Board
Filed: January 31, 2024



Meeting of Negotiated Rulemaking Committee on Professional Nursing Shortage Reduction Program

Date of Meeting: February 20, 2024

Start Time of Meeting: 9:30 a.m.

Additional Information Obtained From: Laurie Frederick, Convener, Laurie.Frederick@highered.texas.gov

Agenda:

1. Introductions
2. Brief Overview of the Negotiated Rulemaking Process: What it is, What it's not
3. Brief Overview of Roles and Responsibilities
 - a) Role of Facilitator
 - b) Role of Sponsor Agency
 - c) Role of Committee Members
4. Consideration and Possible Action to Approve Facilitator
5. Procedural Issues

- a) Consideration and Possible Action to Approve Ground Rules
- b) Consideration and Possible Action to Approve Definition of Consensus

6. Discussion of Draft Rule Language on Professional Nursing Shortage Reduction Program

7. Consideration and Possible Action to Approve Proposed Rule Language on Professional Nursing Shortage Reduction Program

Individuals who may require auxiliary aids or services for this meeting should contact Glenn Tramel, ADA Coordinator, at (512) 427-6193 at least five days before the meeting so that appropriate arrangements can be made.

TRD-202400360
 Nichole Bunker-Henderson
 General Counsel
 Texas Higher Education Coordinating Board
 Filed: January 31, 2024



Meeting of Negotiated Rulemaking Committee on Rural Resident Physician Grant Program

Date of Meeting: February 22, 2024

Start Time of Meeting: 9:30 a.m.

Additional Information Obtained From: Laurie Frederick, Convener, Laurie.Frederick@highered.texas.gov

Agenda:

1. Introductions
2. Brief Overview of the Negotiated Rulemaking Process: What it is, What it's not
3. Brief Overview of Roles and Responsibilities
 - a) Role of Facilitator
 - b) Role of Sponsor Agency
 - c) Role of Committee Members
4. Consideration and Possible Action to Approve Facilitator
5. Procedural Issues
 - a) Consideration and Possible Action to Approve Ground Rules
 - b) Consideration and Possible Action to Approve Definition of Consensus
6. Discussion of Draft Rule Language on Rural Resident Physician Grant Program

7. Consideration and Possible Action to Approve Proposed Rule Language on Rural Resident Physician Grant Program

Individuals who may require auxiliary aids or services for this meeting should contact Glenn Tramel, ADA Coordinator, at (512) 427-6193 at least five days before the meeting so that appropriate arrangements can be made.

TRD-202400361
 Nichole Bunker-Henderson
 General Counsel
 Texas Higher Education Coordinating Board
 Filed: January 31, 2024



Notice of Opportunity to Comment on Proposed Lower-Division Academic Course Guide Manual (ACGM) Course Description and Learning Outcome Revisions for PHED/KINE 1164, 1301, 1306, 1308, 1321, 1336, and 2356

The Texas Higher Education Coordinating Board (THECB or Coordinating Board) staff is providing an opportunity for written public comment on revisions to the course descriptions and learning outcomes to PHED/KINE 1164, 1301, 1306, 1308, 1321, 1336, and 2356 that would update the courses to reflect current practice in the discipline of Kinesiology.

Texas Education Code (TEC) Chapter 61, Subchapter B, establishes policies to establish and govern advisory committees, including the Lower-Division Academic Course Guide Manual (ACGM) Advisory Committee. The ACGM Advisory Committee is tasked with making recommendation to improve the efficiency and effectiveness of transition between institutions of higher education for transfer purposes (TEC §61.061). The Coordinating Board has promulgated rules related to transfer policy in 19 Texas Administrative Code (TAC) Chapter 1, Subchapter V, and Chapter 4, Subchapter B. Posting requirements may be found in 19 TAC §4.33(f) and §1.239(b).

The ACGM committee met on November 6, 2023, to consider and make recommendations to the ACGM. The committee recommended updating the course descriptions and learning outcomes for PHED/KINE 1164, 1301, 1306, 1308, 1321, 1336, and 2356 to bring the courses into alignment with current practice in the discipline of Kinesiology. These recommended changes to the courses were developed by a workgroup of faculty in the discipline composed of equal numbers of representatives from public community colleges and universities.

The recommended course descriptions and learning outcomes are as follows:

Physical Activities

Instruction and participation in physical and recreational activities. (Physical Fitness and Sport majors may have the option of four credits.) (NOTE: Any number in the ranges 1100-1150 and 2100-2150 may be used for Physical Education activity and Recreational Dance, as opposed to theory/classroom, courses. Because such courses are so numerous and their specific course equivalency typically is not a significant transfer credit issue, no attempt has been made in the ACGM and the TCCN Matrix to standardize individual numbers within these ranges.)

Approval Number: 36.0108.51 23

Maximum SCH per student: 2 (non-major); 4 (major)

Maximum SCH per course: 1

Maximum contact hours per course: 48

Recreational Dance

Instruction and participation in folk, social, tap, or other dance forms.
NOTE: These courses are recreational in nature and should bear the KINE/PHED prefix instead of the DANC prefix.

(NOTE: Any number in the ranges 1100-1150 and 2100-2150 may be used for Physical Education activity and Recreational Dance, as opposed to theory/classroom, courses. Because such courses are so numerous and their specific course equivalency typically is not a significant transfer credit issue, no attempt has been made in the ACGM and the TCCN Matrix to standardize individual numbers within these ranges.)

Approval Number: 36.0114.51 23

Maximum SCH per student: 2 (non-major); 4 (major)

Maximum SCH per course: 1

Maximum contact hours per course: 48

KINE 1164: Introduction to Physical Fitness & Wellness

This course will provide an overview of the lifestyle necessary for fitness and health. Students will participate in physical activities and assess their fitness status. Students will be introduced to proper nutrition, weight management, cardiovascular health, flexibility, and strength training.

Approval Number: 31.0501.52 23

Maximum SCH per student: 1

Maximum SCH per course: 1

Maximum contact hours per course: 48

Learning Outcomes

Upon successful completion of this course, students will:

1. Describe how the health-related components of physical fitness impact overall health and wellness.
2. Analyze the interaction between lifestyle choices and disease.
3. Plan, implement, and evaluate a personal fitness program.
4. Evaluate the impact of global trends on physical activity and healthy lifestyle practices that can be adopted in response to these trends.

KINE 1301: Foundations of Kinesiology

The purpose of this course is to provide students with an overview to the disciplinary knowledge that includes the historical development of physical education, kinesiology, exercise science, and sport. This course offers the student both an introduction to the knowledge base, as well as information on expanding career opportunities.

Approval Number: 31.0501.52 23

Maximum SCH per student: 3

Maximum SCH per course: 3

Maximum contact hours per course: 48

Learning Outcomes

Upon successful completion of this course, students will:

1. Distinguish between and identify terminology and research within the sub-disciplines in the field of Kinesiology and their application to diverse careers.

2. Summarize the historical and philosophical approaches to physical activity, physical education, exercise science and sport.

3. Identify the characteristics of a physically educated person and the importance of assessment and advocacy in physical education, exercise science, and sport.

4. Discuss how the changing nature of education and technological advances may influence physical education, exercise science, and sport in the future.

5. Identify major professional organizations, foundations, and associations supporting physical activity at local, state, national and international levels as well as data tools and resources.

KINE 1306: First Aid, CPR, and Safety Practices

Instruction and practice for emergency care. Designed to enable students to recognize and avoid hazards within their environment, to render intelligent assistance in case of accident or sudden illness, and to develop skills necessary for the immediate and temporary care of the victim. Successful completion of the course may enable the student to receive a certificate from a nationally recognized agency.

Approval Number: 51.1504.53 16

Maximum SCH per student: 3

Maximum SCH per course: 3

Maximum contact hours per course: 48

Learning Outcomes

Upon successful completion of this course, students will:

1. Explain the workings of the systems in the human body particularly those systems, which are likely affected in emergency care.
2. Recognize and meet the needs of emergency situations including (but not limited to) first aid care, emergency assistance, life support skills, EMS protocols, CPR, and AED.
3. Justify layperson and professional roles and responsibilities in emergency situations including but not limited to legal ramifications, barriers to action, requirements for action, and psychological responses.
4. Explain and demonstrate skills for treating victims including (but not limited to) musculoskeletal injuries, bleeding, choking, and environmental emergencies.
5. Explain and demonstrate skills for respiratory distress including (but not limited to) CPR, rescue breathing, obstructed airway, and usage of an AED devices.
6. Promote safety and preventative educational methods that reduce the risk of injury, accidents, and life-style related diseases.

KINE 1308: Sports Officiating

This course is designed to teach the skills of sports officiating with an emphasis on knowledge of the rules, game management, and the role of the sports official in maintaining fair play and sportsmanship. Communication, decision making, conflict management skills, and game safety will all be covered.

Approval Number: 31.0101.51 23

Maximum SCH per student: 3

Maximum SCH per course: 3

Maximum contact hours per course: 64

Learning Outcomes

Upon successful completion of this course, students will:

1. Explain the application and enforcement of rules during a contest while promoting fair play and sportsmanship.
2. Demonstrate officiating mechanics and techniques including officiating calls, appropriate whistle use, hand signals, and proper positioning.
3. Explain the importance of working with other officials in a variety of sports for appropriate age and skill level.
4. Create a written sports officiating philosophy based on personal values, purpose, beliefs, and learned educational theories and experiences.
5. Assess and manage behaviors when officiating to provide a healthy, safe sport environment through appropriate communication with coaches, players, and spectators.
6. Summarize industry standard policies and practices to enhance game safety.
7. Identify governing bodies of various sports and procedures for becoming a sports official.

KINE 1321 Principles of Athletic Coaching

This course is designed to present foundational knowledge and management skills essential for coaching. Emphasis is on a comprehensive approach to the foundations and theories of coaching including development of a philosophy, objectives, coaching for character, coaching diverse athletes, and motivational techniques. Rules and terminology of competitive sports will be covered.

Approval Number: 31.0505.51 23

Maximum SCH per student: 3

Maximum SCH per course: 3

Maximum contact hours per course: 64

Learning Outcomes

Upon successful completion of this course, students will:

1. Develop a coaching philosophy based on personal values, ethical conduct, vision, and educational theories.
2. Apply best practices related to administrative planning, organizing, staffing, and directing competitive sports by formulating strategies to achieve goals and objectives.
3. Identify characteristics of a safe and inclusive environment for all participants, both physically and emotionally, by recognizing diverse backgrounds, characteristics, abilities, and learning styles.
4. Explain the rules for participation in competitive sports.
5. Design effective, age-appropriate practice sessions and action plans to improve performance over the course of a sports season.

PHED 1336 Introduction to Recreation

Introduction to the recreation and sport management professions including philosophical and foundational perspectives, underlying concepts, and advancement for the future. Orientation to the variety of services, settings, and relationship to public, private, not-for-profit, and government organizations. Current trends and an overview of career opportunities will be addressed.

Approval Number: 31.0101.51 23

Maximum SCH per student: 3

Maximum SCH per course: 3

Maximum contact hours per course: 48

Learning Outcomes

Upon successful completion of this course, students will:

1. Identify the competencies needed to be a successful sport and recreation management professional in a variety of settings.
2. Analyze the interactions among the diverse levels and areas in the sport and recreation industry.
3. Identify possible solutions, through critical thinking and problem-solving skills, to problems in the recreation and sport management professions.
4. Explain the various components of venue and event management and safety, programming, fundraising, budgeting, advertising, and scheduling.
5. Communicate effectively through a variety of mediums to a specific communication task.

PHED 2356: Care and Prevention of Athletic Injuries

An introduction to the principles of athlete training and sports medicine with an emphasis on the pre and care of injuries and conditions that occur during exercise, physical activity, and athletic participation. Focuses on the knowledge, skills, and abilities necessary to prevent, recognize, assess, and manage injuries and conditions common in an active population.

Learning Outcomes

Upon successful completion of this course, students will:

1. Identify risk factors and causes of injuries and conditions.
2. Discuss the components of an injury prevention and risk management program.
3. Describe strategies to prevent common injuries and conditions.
4. Recognize and manage emergency medical situations by employing basic emergency management principles (i.e. conducting a primary survey, activating an emergency action plan, providing initial care, etc.).
5. Recognize the mechanisms and signs and symptoms of common musculoskeletal, non-musculoskeletal, and environmental injuries and conditions.
6. Explain the proper short and long term management of acute, sub-acute, and chronic injuries and conditions.
7. Describe the sports medicine and athletic training professions and the members of a sports medicine team.
8. Use standard medical and professional terminology.

Written comments about the proposed changes must be sent to Elizabeth Mayer, Assistant Commissioner for Academic and Health Affairs, Texas Higher Education Coordinating Board, P.O. Box 12788, Austin, Texas, 78711, or via email to Elizabeth.Mayer@highered.texas.gov. Comments must be received by 5:00 p.m., March 9, 2024, to be considered.

TRD-202400355

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Filed: January 31, 2024



Notice of Opportunity to Comment on Proposed Lower-Division Academic Course Guide Manual (ACGM)

Course Descriptions and Learning Outcomes for Four New PHED/KINE Courses

The Texas Higher Education Coordinating Board (THECB or Coordinating Board) staff is providing an opportunity for written public comment on four new courses in the PHED/KINE rubric that reflect current practice in the discipline of Kinesiology.

Texas Education Code (TEC) Chapter 61, Subchapter B, establishes policies to establish and govern advisory committees, including the Lower-Division Academic Course Guide Manual (ACGM) Advisory Committee. The ACGM Advisory Committee is tasked with making recommendation to improve the efficiency and effectiveness of transition between institutions of higher education for transfer purposes (TEC §61.061). The Coordinating Board has promulgated rules related to transfer policy in 19 Texas Administrative Code (TAC) Chapter 1, Subchapter V, and Chapter 4, Subchapter B. Posting requirements may be found in 19 TAC §§4.33(f) and 1.239(b).

The ACGM committee met on November 6, 2023, to consider and make recommendations to the ACGM. The committee recommended adding four new PHED/KINE courses to bring the ACGM into alignment with current practice in the discipline of Kinesiology. These recommended new courses were developed by a workgroup of faculty in the discipline composed of equal numbers of representatives from public community colleges and universities. THECB staff will request numbers for the new courses from the Texas Common Course Numbering System Board after the comment period.

The recommended new course descriptions and learning outcomes are as follows:

KINE 2XXX: Psychological Aspects of Human Performance

This course introduces the psychological factors influencing performance and participation in sports and exercise. Topics include motivation, confidence, focus, goal-setting, stress management, team dynamics, and leadership. Students will gain knowledge of mental skills and strategies to optimize human performance.

Learning Outcomes

Upon successful completion of this course, students will:

1. Explain theories and concepts related to motivation, confidence, and focus on sports and exercise settings.
2. Examine the role of mental skills like visualization, concentration, and self-talk in optimizing performance in sports and exercise contexts.
3. Assess the influence of group dynamics, including leadership, teamwork, and communication, on the performance of sports teams and group exercise settings.
4. Evaluate the psychological benefits and drawbacks of regular participation in sport and exercise, such as stress reduction, enhanced mood, and potential for burnout.
5. Identify strategies for psychological interventions in sport and exercise, such as cognitive-behavioral approaches to enhance performance and adherence.
6. Explore ethical considerations in sports psychology, including doping, fairness, and mental health issues.
7. Develop and implement a psychological skills training program tailored to individual or team needs in sports or exercise settings.
8. Critique relevant research in sport and exercise psychology to inform practice and enhance critical thinking skills.

Approval Number: 31.0501.XX XX

Maximum SCH per student: 3

Maximum SCH per course: 3

Maximum contact hours per course: 48

KINE 2XXX: Fundamentals of Strength and Conditioning

This course introduces students to the core principles and methodologies of strength and conditioning. It covers essential topics such as biomechanics, exercise physiology, training adaptations, and program design. It equips students with the foundational knowledge and skills to develop safe and effective strength and conditioning programs for athletes and general populations.

Learning Outcomes

Upon successful completion of this course, students will:

1. Explain the basic principles of biomechanics relating to human movement and strength and conditioning exercises.
2. Explain the foundational elements of exercise physiology, including muscle contraction, energy systems, and acute and chronic adaptations to training.
3. Design basic strength and conditioning programs based on established principles and tailored to the needs of specific populations, such as athletes or individuals with specific health considerations.
4. Evaluate the effectiveness of various training methods and modalities, such as free weights, machines, plyometrics, and cardiorespiratory exercises, in achieving specific training goals.
5. Implement safe and effective exercise techniques, including proper lifting mechanics, spotting, and risk management to prevent injury.
6. Analyze relevant scientific literature to make evidence-based strength and conditioning practice decisions.
7. Explain the ethical and professional responsibilities of a strength and conditioning specialist, including the scope of practice and adhering to ethical standards.
8. Assess individual and group performance metrics to adjust programming and optimize outcomes.

Approval Number: 31.0501.XX XX

Maximum SCH per student: 3

Maximum SCH per course: 3

Maximum contact hours per course: 48

KINE 2XXX: Foundations of Exercise Science

A survey of scientific principles, methodologies, and research as applied to exercise and physical fitness. Emphasis on physiological responses and adaptations to exercise. Topics include basic elements of kinesiology, biomechanics, and motor learning.

Pre-requisites: BIOL 2401 & 2402

Learning Outcomes

Upon successful completion of this course, students will:

1. Explain the structure of basic anatomy and physiology including the nervous, muscular, skeletal, endocrine, and cardiorespiratory systems.
2. Describe human movements using appropriate anatomical and mechanical terminology.
3. Assess the physiological responses to aerobic and anaerobic exercise training.

4. Explain the basic energy systems in the human body and the ability of each to supply energy for various activities.

Approval Number: 31.0501.XX XX

Maximum SCH per student: 3

Maximum SCH per course: 3

Maximum contact hours per course: 48

KINE 2XXX: Introduction to Personal Training

This course provides theoretical knowledge and practical skills in personal training. Topics include exercise program design, client-trainer relationship, conducting health and fitness assessments, motivation, and legal and safety issues.

Learning Outcomes

Upon successful completion of this course, students will:

1. Evaluate the client's goals, medical history, and assessment results to determine exercise prescription.
2. Evaluate behavioral readiness and develop strategies to optimize exercise adherence.
3. Conduct tests of cardiorespiratory fitness, muscular strength and endurance, joint flexibility, body composition, and pulmonary capacity.
4. Design and implement safe, client-specific programs using proper technique.
5. Demonstrate effective communication and motivational techniques.
6. Explain the legal aspects and scope of practice of a personal trainer.

Approval Number: 31.0501.XX XX

Maximum SCH per student: 3

Maximum SCH per course: 3

Maximum contact hours per course: 48

Written comments about the proposed changes must be sent to Elizabeth Mayer, Assistant Commissioner for Academic and Health Affairs, Texas Higher Education Coordinating Board, P.O. Box 12788, Austin, Texas, 78711, or via email to Elizabeth.Mayer@highered.texas.gov. Comments must be received by 5:00 p.m., March 9, 2024, to be considered.

TRD-202400356

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Filed: January 31, 2024



Notice of Opportunity to Comment on Proposed Lower-Division Academic Course Guide Manual (ACGM) EDUC 1301 and EDUC 2301 Course Description Revision

The Texas Higher Education Coordinating Board (THECB or Coordinating Board) staff is providing an opportunity for written public comment on a revision to the course description to EDUC courses 1301 and 2301 that would allow for technology-based field experience.

Texas Education Code (TEC) Chapter 61, Subchapter B, establishes policies to establish and govern advisory committees, including the Lower-Division Academic Course Guide Manual (ACGM) Advisory Committee. The ACGM Advisory Committee is tasked with making recommendations to improve the efficiency and effectiveness of tran-

sition between institutions of higher education for transfer purposes (TEC §61.061). The Coordinating Board has promulgated rules related to transfer policy in 19 Texas Administrative Code (TAC) Chapter 1, Subchapter V, and Chapter 4, Subchapter B. Posting requirements may be found in 19 TAC §4.33(f) and §1.239(b).

The ACGM committee met on November 6, 2023, to consider and make recommendations to the ACGM. The committee recommended updating the course description for EDUC 1301 to include virtual field observation opportunities to be allowed as an option for the required minimum 16 contact hours of field experience in P-12 classrooms. The committee recommended updating the course description for EDUC 2301 to include virtual field observation opportunities to be allowed as an option for the required minimum 16 contact hours of field experience in P-12 classrooms with special populations. Programs will have the discretion to choose how many hours of field experience are provided by video or other video or technology-based method for each course.

The recommended course descriptions are as follows:

EDUC 1301: Introduction to the Teaching Profession

An enriched, integrated pre-service course and content experience that provides active recruitment and institutional support of students interested in a teaching career, especially in high need fields. The course provides students with opportunities to participate in early field observations at all levels of P-12 schools with varied and diverse student populations and provides students with support from college and school faculty, preferably in small cohort groups, for the purpose of introduction to and analysis of the culture of schooling and classrooms. Course content should be aligned as applicable with State Board for Educator Certification Pedagogy and Professional Responsibilities standards; and the course must include a minimum of 16 contact hours of field experience in P-12 classrooms. Up to 16 clock hours of P-12 field experiences may be provided by electronic or other video or technology-based method.

EDUC 2301: Introduction to Special Populations

An enriched, integrated pre-service course and content experience that provides an overview of schooling and classrooms from the perspectives of language, gender, socioeconomic status, ethnic and academic diversity, and equity with an emphasis on factors that facilitate learning. The course provides students with opportunities to participate in early field observations of P-12 special populations and should be aligned as applicable with State Board for Educator Certification Pedagogy and Professional Responsibilities standards. Must include a minimum of 16 contact hours of field experience in P-12 classrooms with special populations. Up to 16 clock hours of P-12 field experiences may be provided by electronic or other video or technology-based method.

Written comments about the proposed changes must be sent to Elizabeth Mayer, Assistant Commissioner for Academic and Health Affairs, Texas Higher Education Coordinating Board, P.O. Box 12788, Austin, Texas, 78711, or via email to Elizabeth.Mayer@highered.texas.gov. Comments must be received by 5:00 p.m., March 9, 2024, to be considered.

TRD-202400357

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Filed: January 31, 2024



Texas Department of Insurance

Company Licensing

Application for AssuranceAmerica Insurance Company, a foreign fire and/or casualty company, to change its name to Trustway Insurance Company. The home office is in Atlanta, Georgia.

Application for InsureMax Insurance Company, a foreign fire and/or casualty company, to change its name to Trustway Select Insurance Company. The home office is in Atlanta, Georgia.

Application for West Bend Mutual Insurance Company, a foreign fire and/or casualty company, to change its name to West Bend Insurance Company. The home office is in West Bend, Wisconsin.

Application for CM Select Insurance Company, a foreign fire and/or casualty company, to change its name to MGT Insurance Company. The home office is in Merrill, Wisconsin.

Application to do business in the state of Texas for Bravo Health Pennsylvania, Inc., a foreign health maintenance organization (HMO). The home office is in Philadelphia, Pennsylvania.

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 John Carter, 1601 Congress Ave., Suite 6.900, Austin, Texas 78711.

TRD-202400362

Justin Beam

Chief Clerk

Texas Department of Insurance

Filed: January 31, 2024

Texas Department of Licensing and Regulation

Notice of Vacancies on Dyslexia Therapists and Practitioners Advisory Committee

The Texas Department of Licensing and Regulation (Department) announces one vacancy on the Dyslexia Therapists and Practitioners Advisory Committee (Committee) established by 16 Texas Administrative Code §120.65. The purpose of the Dyslexia Therapists and Practitioners Advisory Committee is to advise the Texas Commission of Licensing and Regulation (Commission) regarding rules relating to the licensure and regulation of dyslexia therapists and dyslexia practitioners, including continuing education requirements and the approved examinations for licensure.

This announcement is for:

- **one dyslexia practitioner licensed under the Act, and**
- **one dyslexia therapist.**

Members serve staggered six-year terms, at the will of the Commission. The terms of three of the members begin on December 31st of each odd-numbered year. The Committee consists of five members appointed by the presiding officer of the Commission, with the Commission's approval. The Committee consists of the following members:

- two dyslexia therapists licensed under the Act;
- one dyslexia practitioner licensed under the Act; and
- two consumer or public members, one of whom must be a person with dyslexia or the parent of a person with dyslexia.

Interested persons should complete an application on the Department website at: <https://www.tdlr.texas.gov/AdvisoryBoard/login.aspx>. Applicants can also request an application from the Department by telephone (800) 803-9202 or e-mail advisory.boards@tdlr.texas.gov.

This is not a paid position and there is no compensation or reimbursement for serving on the Committee.

Issued in Austin, Texas this February 9, 2024.

TRD-202400320

Brian E. Francis

Interim Executive Director

Texas Department of Licensing and Regulation

Filed: January 29, 2024

Notice of Vacancies on Motorcycle Safety Advisory Board

The Texas Department of Licensing and Regulation (Department) announces two vacancies on the Motorcycle Safety Advisory Board (Board) established by the Transportation Code, Chapter 662.0037(b). The purpose of the Motorcycle Safety Advisory Board is to advise the Texas Commission of Licensing and Regulation and the Department on rules and educational and technical matters relevant to the administration of this chapter. The Board meets at the call of the Executive Director of the Department or the presiding officer of the Commission. Service as a Board member is voluntary, and compensation is not authorized by law. **This announcement is for:**

- **one member who is an instructor training provider; and**
- **one representative of a law enforcement agency**

The Board consists of nine members appointed by the presiding officer of the Commission, with the approval of the Commission. The board consists of the following members:

- **three members: (a) each of whom must be an instructor or represent a motorcycle school; and (b) who must collectively represent the diversity in size and type of the motorcycle schools licensed under this chapter**

- **one member who represents the motorcycle dealer retail industry**
- **one representative of a law enforcement agency**
- **one representative of the Texas A&M Transportation Institute**
- **one member who is an instructor training provider; and**
- **two public members who hold a valid Class M driver's license issued under Chapter 521**

Members serve staggered six-year terms. The terms of three members expire September 1 of each odd-numbered year. The presiding officer of the commission, on approval of the commission, shall designate a member of the advisory board to serve as the presiding officer of the advisory board for a one-year term. The presiding officer of the advisory board may vote on any matter before the advisory board.

Interested persons should submit an application on the Department website at: <https://www.tdlr.texas.gov/AdvisoryBoard/login.aspx>. Applicants can also request an application from the Department by telephone (800) 803-9202, fax (512) 475-2874 or e-mail advisory.boards@tdlr.texas.gov.

These are not paid positions and there is no compensation or reimbursement for serving on the board.

TRD-202400319

Brian E. Francis

Interim Executive Director

Texas Department of Licensing and Regulation

Filed: January 29, 2024

Texas Lottery Commission

Scratch Ticket Game Number 2476 "LUCKY DOG/COOL CAT"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2476 is "LUCKY DOG/COOL CAT". The play style is "find symbol".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2476 shall be \$2.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2476.

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: STAR SYMBOL, SUN SYMBOL, CHERRY SYMBOL, GOLD BAR SYMBOL, HEART SYMBOL, HORSESHOE SYMBOL, MOON SYMBOL, ANCHOR SYMBOL, DIAMOND SYMBOL, SAILBOAT SYMBOL, LEMON SYMBOL, LIGHTNING BOLT SYMBOL, ELEPHANT SYMBOL, DICE SYMBOL, PAW PRINT SYMBOL, STACK OF CASH SYMBOL, \$2.00, \$4.00, \$5.00, \$10.00, \$20.00, \$30.00, \$50.00, \$100, \$1,000 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. 2476 - 1.2D

PLAY SYMBOL	CAPTION
STAR SYMBOL	STAR
SUN SYMBOL	SUN
CHERRY SYMBOL	CHERRY
GOLD BAR SYMBOL	BAR
HEART SYMBOL	HEART
HORSESHOE SYMBOL	HRSHOE
MOON SYMBOL	MOON
ANCHOR SYMBOL	ANCHOR
DIAMOND SYMBOL	DIAMND
SAILBOAT SYMBOL	BOAT
LEMON SYMBOL	LEMON
LIGHTNING BOLT SYMBOL	BOLT
ELEPHANT SYMBOL	ELEPHT
DICE SYMBOL	DICE
PAW PRINT SYMBOL	WIN\$
STACK OF CASH SYMBOL	DBL
\$2.00	TWO\$
\$4.00	FOR\$
\$5.00	FIV\$
\$10.00	TEN\$
\$20.00	TWY\$
\$30.00	TRTY\$
\$50.00	FFTY\$
\$100	ONHN
\$1,000	ONTH
\$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 (2476), 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: 2476-0000001-001.

H. Pack - A Pack of the "LUCKY DOG/COOL CAT" Scratch Ticket Game contains 125 Tickets, packed in plastic shrink-wrapping and fan-folded in pages of two (2). One Ticket will be folded over to expose a front and back of one Ticket on each Pack. All Packs will be tightly shrink-wrapped. There will be no breaks between the Tickets in a Pack.

I. Non-Winning Scratch Ticket - A Scratch Ticket which is not programmed to be a winning Scratch Ticket or a Scratch Ticket that does not meet all of the requirements of these Game Procedures, the State Lottery Act (Texas Government Code, Chapter 466), and applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 401.

J. Scratch Ticket Game, Scratch Ticket or Ticket - Texas Lottery "LUCKY DOG/COOL CAT" Scratch Ticket Game No. 2476.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general Scratch Ticket validation requirements set forth in Texas Lottery Rule 401.302, Scratch Ticket Game Rules, these Game Procedures, and the requirements set out on the back of each Scratch Ticket. A prize winner in the "LUCKY DOG/COOL CAT" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose twenty (20) Play Symbols. If a player reveals a "PAW PRINT" Play Symbol, the player wins the prize for that symbol instantly. If the player reveals a "STACK OF CASH" Play Symbol, the player wins DOUBLE 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 twenty (20) 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 twenty (20) 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 twenty (20) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the twenty (20) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Game-Pack-Ticket Number must be printed in the Game-Pack-Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;

18. The Display Printing on the Scratch Ticket must be regular in every respect and correspond precisely to the artwork on file at the Texas Lottery; and

19. The Scratch Ticket must have been received by the Texas Lottery by applicable deadlines.

B. The Scratch Ticket must pass all additional validation tests provided for in these Game Procedures, the Texas Lottery's Rules governing the award of prizes of the amount to be validated, and any confidential validation and security tests of the Texas Lottery.

C. Any Scratch Ticket not passing all of the validation requirements is void and ineligible for any prize and shall not be paid. However, the Executive Director may, solely at the Executive Director's discretion, refund the retail sales price of the Scratch Ticket. In the event a defective Scratch Ticket is purchased, the only responsibility or liability of the Texas Lottery shall be to replace the defective Scratch Ticket with another unplayed Scratch Ticket in that Scratch Ticket Game (or a Scratch Ticket of equivalent sales price from any other current Texas Lottery Scratch Ticket Game) or refund the retail sales price of the Scratch Ticket, solely at the Executive Director's discretion.

2.2 Programmed Game Parameters.

A. Consecutive Non-Winning Tickets within a Pack will not have matching patterns, in the same order, of either Play Symbols or Prize Symbols.

B. A Ticket can win as indicated by the prize structure.

C. A Ticket can win up to ten (10) times.

D. On winning and Non-Winning Tickets, the top cash prizes of \$1,000 and \$30,000 will each appear at least once, except on Tickets winning ten (10) times and with respect to other parameters, play action or prize structure.

E. No matching non-winning Play Symbols will appear on a Ticket.

F. On all Tickets, a Prize Symbol will not appear more than two (2) times, except as required by the prize structure to create multiple wins.

G. Non-winning Prize Symbols will not match a winning Prize Symbol on a Ticket.

H. The "PAW PRINT" (WINS) Play Symbol will win the corresponding prize for that symbol.

I. The "STACK OF CASH" (DBL) Play Symbol will win DOUBLE the prize for that symbol and will win as per the prize structure.

J. The "STACK OF CASH" (DBL) Play Symbol will not appear more than once on a Ticket.

K. The "PAW PRINT" (WINS) and "STACK OF CASH" (DBL) Play Symbols will never appear on Non-Winning Tickets.

L. The "PAW PRINT" (WINS) and "STACK OF CASH" (DBL) Play Symbols can appear on the same Ticket.

2.3 Procedure for Claiming Prizes.

A. To claim a "LUCKY DOG/COOL CAT" Scratch Ticket Game prize of \$2.00, \$4.00, \$5.00, \$8.00, \$10.00, \$20.00, \$30.00, \$50.00 or \$100, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and may present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a \$30.00, \$50.00 or \$100 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 "LUCKY DOG/COOL CAT" Scratch Ticket Game prize of \$1,000 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 "LUCKY DOG/COOL CAT" 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 Commission, P.O. Box 16600, Austin, Texas 78761-6600. The Texas Lottery is not responsible for Scratch Tickets lost in the mail. In the event that the

claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

D. Prior to payment by the Texas Lottery of any prize, the Texas Lottery shall deduct the amount of a delinquent tax or other money from the winnings of a prize winner who has been finally determined to be:

1. delinquent in the payment of a tax or other money to a state agency and that delinquency is reported to the Comptroller under Government Code §403.055;

2. in default on a loan made under Chapter 52, Education Code;

3. in default on a loan guaranteed under Chapter 57, Education Code; or

4. delinquent in child support payments in the amount determined by a court or a Title IV-D agency under Chapter 231, Family Code.

E. If a person is indebted or owes delinquent taxes to the State, other than those specified in the preceding paragraph, the winnings of a person shall be withheld until the debt or taxes are paid.

2.4 Allowance for Delay of Payment. The Texas Lottery may delay payment of the prize pending a final determination by the Executive Director, under any of the following circumstances:

A. if a dispute occurs, or it appears likely that a dispute may occur, regarding the prize;

B. if there is any question regarding the identity of the claimant;

C. if there is any question regarding the validity of the Scratch Ticket presented for payment; or

D. if the claim is subject to any deduction from the payment otherwise due, as described in Section 2.3.D of these Game Procedures. No liability for interest for any delay shall accrue to the benefit of the claimant pending payment of the claim.

2.5 Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a cash prize under \$600 from the "LUCKY DOG/COOL CAT" 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 "LUCKY DOG/COOL CAT" 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 9,120,000 Scratch Tickets in Scratch Ticket Game No. 2476. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2476 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$2.00	924,160	9.87
\$4.00	535,040	17.05
\$5.00	182,400	50.00
\$8.00	206,720	44.12
\$10.00	170,240	53.57
\$20.00	72,960	125.00
\$30.00	14,250	640.00
\$50.00	15,010	607.59
\$100	7,030	1,297.30
\$1,000	20	456,000.00
\$30,000	8	1,140,000.00

*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 4.29. The individual odds of winning for a particular prize level may vary based on sales, distribution, testing, and number of prizes claimed.

A. The actual number of Scratch Tickets in the game may be increased or decreased at the sole discretion of the Texas Lottery Commission.

5.0 End of the Scratch Ticket Game. The Executive Director may, at any time, announce a closing date (end date) for the Scratch Ticket Game No. 2476 without advance notice, at which point no further Scratch Tickets in that game may be sold. The determination of the closing date and reasons for closing will be made in accordance with the Scratch Ticket closing procedures and the Scratch Ticket Game Rules. See 16 TAC §401.302(j).

6.0 Governing Law. In purchasing a Scratch Ticket, the player agrees to comply with, and abide by, these Game Procedures for Scratch Ticket Game No. 2476, the State Lottery Act (Texas Government Code, Chap-

ter 466), applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 401, and all final decisions of the Executive Director.

TRD-202400327
 Bob Biard
 General Counsel
 Texas Lottery Commission
 Filed: January 30, 2024



Scratch Ticket Game Number 2587 "LOTERIA SUPREME"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2587 is "LOTERIA SUPREME". The play style is "row/column/diagonal".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2587 shall be \$100.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2587.

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: AIRPLANE SYMBOL, ARMORED CAR SYMBOL, BANK SYMBOL, BAG SYMBOL, BIRD SYMBOL, BOOT SYMBOL, BOW SYMBOL, CAKE SYMBOL, CANDY SYMBOL, ATM CARD SYMBOL, CLUB SYMBOL, COFFEE SYMBOL, COINS SYMBOL, CROWN SYMBOL, DIAMOND SYMBOL, FLAG SYMBOL, GOLD BAR SYMBOL, HEART SYMBOL, JOKER SYMBOL, KEY SYMBOL, LAMP SYMBOL, LEMON SYMBOL, LIGHTNING SYMBOL, MOON SYMBOL, ORANGE SYMBOL, PEACH SYMBOL, PICK SYMBOL, PIGGY BANK SYMBOL, PIZZA SYMBOL, POT OF GOLD SYMBOL, RAINBOW SYMBOL, RING SYMBOL, SHADES SYMBOL, SEVEN SYMBOL, SPADE SYMBOL, SUN SYMBOL, TROPHY SYMBOL, WALLET SYMBOL, WISHBONE SYMBOL, ANCHOR SYMBOL, BAR

SYMBOL, BELL SYMBOL, BILL SYMBOL, CAMERA SYMBOL, CHEESE SYMBOL, CHEST SYMBOL, CLOVER SYMBOL, DICE SYMBOL, DOLLAR SIGN SYMBOL, DRUM SYMBOL, EMERALD SYMBOL, GIFT SYMBOL, MELON SYMBOL, NECKLACE SYMBOL, PEARL SYMBOL, SHELL SYMBOL, STAR SYMBOL, VAULT SYMBOL, WATER BOTTLE SYMBOL, ARMADILLO SYMBOL, BAT SYMBOL, BICYCLE SYMBOL, BLUEBONNET SYMBOL, BOAR SYMBOL, BUTTERFLY SYMBOL, CACTUS SYMBOL, CARDINAL SYMBOL, CHERRIES SYMBOL, CHILE PEPPER SYMBOL, COVERED WAGON SYMBOL, COW SYMBOL, COWBOY HAT SYMBOL, COWBOY SYMBOL, DESERT SYMBOL, FIRE SYMBOL, FOOTBALL SYMBOL, GEM SYMBOL, GUITAR SYMBOL, HEN SYMBOL, HORSE SYMBOL, HORSESHOE SYMBOL, JACKRABBIT SYMBOL, LIZARD SYMBOL, LONE STAR SYMBOL, MARACAS SYMBOL, MOCKINGBIRD SYMBOL, MOONRISE SYMBOL, MORTAR PESTLE SYMBOL, NEWSPAPER SYMBOL, OIL RIG SYMBOL, PECAN TREE SYMBOL, PIÁ'ATA SYMBOL, RACE CAR SYMBOL, ROAD RUNNER SYMBOL, SADDLE SYMBOL, SHIP SYMBOL, SHOES SYMBOL, SOCCER BALL SYMBOL, SPEAR SYMBOL, SPUR SYMBOL, STRAWBERRY SYMBOL, SUNSET SYMBOL, WHEEL SYMBOL, WINDMILL SYMBOL, \$100, \$200, \$300, \$500, \$1,000, \$5,000, \$10,000 and \$100,000.

D. Play Symbol Caption - The printed material appearing below each Play Symbol which explains the Play Symbol. One caption appears under each Play Symbol and is printed in caption font in black ink in positive. The Play Symbol Caption which corresponds with and verifies each Play Symbol is as follows:

Figure 1: GAME NO. 2587 - 1.2D

PLAY SYMBOL	CAPTION
AIRPLANE SYMBOL	AIRPLANE
ARMORED CAR SYMBOL	ARMCAR
BANK SYMBOL	BANK
BAG SYMBOL	BAG
BIRD SYMBOL	BIRD
BOOT SYMBOL	BOOT
BOW SYMBOL	BOW
CAKE SYMBOL	CAKE
CANDY SYMBOL	CANDY
ATM CARD SYMBOL	CARD
CLUB SYMBOL	CLUB
COFFEE SYMBOL	COFFEE
COINS SYMBOL	COINS
CROWN SYMBOL	CROWN
DIAMOND SYMBOL	DIAMND
FLAG SYMBOL	FLAG
GOLD BAR SYMBOL	GOLDBAR
HEART SYMBOL	HEART
JOKER SYMBOL	JOKER
KEY SYMBOL	KEY
LAMP SYMBOL	LAMP
LEMON SYMBOL	LEMON
LIGHTNING SYMBOL	LIGHTN
MOON SYMBOL	MOON
ORANGE SYMBOL	ORANGE
PEACH SYMBOL	PEACH
PICK SYMBOL	PICK

PIGGY BANK SYMBOL	PIGBNK
PIZZA SYMBOL	PIZZA
POT OF GOLD SYMBOL	POTGLD
RAINBOW SYMBOL	RAINBOW
RING SYMBOL	RING
SHADES SYMBOL	SHADES
SEVEN SYMBOL	SEVEN
SPADE SYMBOL	SPADE
SUN SYMBOL	SUN
TROPHY SYMBOL	TROPHY
WALLET SYMBOL	WALLET
WISHBONE SYMBOL	WISHBONE
ANCHOR SYMBOL	ANCHOR
BAR SYMBOL	BAR
BELL SYMBOL	BELL
BILL SYMBOL	BILL
CAMERA SYMBOL	CAMERA
CHEESE SYMBOL	CHEESE
CHEST SYMBOL	CHEST
CLOVER SYMBOL	CLOVER
DICE SYMBOL	DICE
DOLLAR SIGN SYMBOL	DOLLAR
DRUM SYMBOL	DRUM
EMERALD SYMBOL	EMERALD
GIFT SYMBOL	GIFT
MELON SYMBOL	MELON
NECKLACE SYMBOL	NECKLACE
PEARL SYMBOL	PEARL
SHELL SYMBOL	SHELL

STAR SYMBOL	STAR
VAULT SYMBOL	VAULT
WATER BOTTLE SYMBOL	WATER
ARMADILLO SYMBOL	ARMADILLO
BAT SYMBOL	BAT
BICYCLE SYMBOL	BICYCLE
BLUEBONNET SYMBOL	BLUEBONNET
BOAR SYMBOL	BOAR
BUTTERFLY SYMBOL	BUTTERFLY
CACTUS SYMBOL	CACTUS
CARDINAL SYMBOL	CARDINAL
CHERRIES SYMBOL	CHERRIES
CHILE PEPPER SYMBOL	CHILE PEPPER
COVERED WAGON SYMBOL	COVERED WAGON
COW SYMBOL	COW
COWBOY HAT SYMBOL	COWBOY HAT
COWBOY SYMBOL	COWBOY
DESERT SYMBOL	DESERT
FIRE SYMBOL	FIRE
FOOTBALL SYMBOL	FOOTBALL
GEM SYMBOL	GEM
GUITAR SYMBOL	GUITAR
HEN SYMBOL	HEN
HORSE SYMBOL	HORSE
HORSESHOE SYMBOL	HORSESHOE
JACKRABBIT SYMBOL	JACKRABBIT
LIZARD SYMBOL	LIZARD
LONE STAR SYMBOL	LONE STAR
MARACAS SYMBOL	MARACAS

MOCKINGBIRD SYMBOL	MOCKINGBIRD
MOONRISE SYMBOL	MOONRISE
MORTAR PESTLE SYMBOL	MORTAR PESTLE
NEWSPAPER SYMBOL	NEWSPAPER
OIL RIG SYMBOL	OIL RIG
PECAN TREE SYMBOL	PECAN TREE
PIÑATA SYMBOL	PIÑATA
RACE CAR SYMBOL	RACE CAR
ROADRUNNER SYMBOL	ROADRUNNER
SADDLE SYMBOL	SADDLE
SHIP SYMBOL	SHIP
SHOES SYMBOL	SHOES
SOCCER BALL SYMBOL	SOCCER BALL
SPEAR SYMBOL	SPEAR
SPUR SYMBOL	SPUR
STRAWBERRY SYMBOL	STRAWBERRY
SUNSET SYMBOL	SUNSET
WHEEL SYMBOL	WHEEL
WINDMILL SYMBOL	WINDMILL
\$100	ONHN
\$200	TOHN
\$300	THHN
\$500	FVHN
\$1,000	ONTH
\$5,000	FVTH
\$10,000	10TH
\$100,000	100TH

E. Serial Number - A unique thirteen (13) digit number appearing under the latex scratch-off covering on the front of the Scratch Ticket. The

Serial Number is for validation purposes and cannot be used to play the game. The format will be: 0000000000000.

F. Bar Code - A twenty-four (24) character interleaved two (2) of five (5) Bar Code which will include a four (4) digit game ID, the seven (7) digit Pack number, the three (3) digit Ticket number and the ten (10) digit Validation Number. The Bar Code appears on the back of the Scratch Ticket.

G. Game-Pack-Ticket Number - A fourteen (14) digit number consisting of the four (4) digit game number (2587), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 015 within each Pack. The format will be: 2587-0000001-001.

H. Pack - A Pack of the "LOTERIA SUPREME" Scratch Ticket Game contains 015 Tickets, packed in plastic shrink-wrapping and fanfolded in pages of one (1). Ticket back 001 and 015 will both be exposed.

I. Non-Winning Scratch Ticket - A Scratch Ticket which is not programmed to be a winning Scratch Ticket or a Scratch Ticket that does not meet all of the requirements of these Game Procedures, the State Lottery Act (Texas Government Code, Chapter 466), and applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 401.

J. Scratch Ticket Game, Scratch Ticket or Ticket - Texas Lottery "LOTERIA SUPREME" Scratch Ticket Game No. 2587.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general Scratch Ticket validation requirements set forth in Texas Lottery Rule 401.302, Scratch Ticket Game Rules, these Game Procedures, and the requirements set out on the back of each Scratch Ticket. Each Scratch Ticket contains exactly ninety-eight (98) Play Symbols. A prize winner in the "LOTERIA SUPREME" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose Play Symbols as follows: PLAY AREA 1 INSTRUCTIONS (PLAYBOARD): (1) The player completely scratches the CALLER'S CARD to reveal 27 Play Symbols. (2) The player scratches ONLY the Play Symbols on the PLAYBOARD that exactly match the Play Symbols revealed on the CALLER'S CARD. (3) If the player reveals a complete row, column or diagonal line, the player wins the prize for that line. PLAY AREA 2 INSTRUCTIONS (BONUS): If the player reveals 2 matching Play Symbols in the same BONUS, the player wins the PRIZE for that BONUS. PLAY AREA 3 INSTRUCTIONS (10X, 20X, 50X, 100X, 500X MULTIPLIER): The player scratches the 10X, 20X, 50X, 100X and 500X MULTIPLIER boxes to reveal 2 Play Symbols in each box. If the player reveals 2 matching Play Symbols in the same MULTIPLIER box, the player multiplies the total prize won on the Ticket by that MULTIPLIER and wins that amount. For example, revealing 2 "STAR" Play Symbols in the 10X MULTIPLIER box will multiply the total prize won by 10 TIMES. INSTRUCCIONES PARA ÁREA DE JUEGO 1 (TABLA DE JUEGO): (1) El jugador raspa completamente la CARTA DEL GRITÓN para revelar 27 símbolos. (2) El jugador SOLAMENTE raspa los símbolos en la TABLA DE JUEGO que son exactamente iguales a los símbolos revelados en la CARTA DEL GRITÓN. (3) Si el jugador revela una línea completa, horizontal, vertical o diagonal, el jugador gana el premio para esa línea. INSTRUCCIONES PARA ÁREA DE JUEGO 2 (BONO): Si el jugador revela 2 símbolos iguales en el mismo BONO, el jugador gana el PREMIO para ese BONO. INSTRUCCIONES PARA ÁREA DE JUEGO 3 (MULTIPLICADOR 10X, 20X, 50X, 100X, 500X): El jugador raspa las cajas de MULTIPLICADOR 10X, 20X, 50X, 100X y 500X para revelar 2 símbolos en cada caja. Si el jugador revela 2 símbolos iguales en la misma caja de MULTIPLICADOR, el jugador multiplica el premio total ganado en el boleto por ese MULTIPLICADOR y gana esa cantidad. Por ejemplo, revelando 2 símbolos de "ESTRELLA" en la caja MULTIPLICADOR 10X multiplicará por 10 el premio total ganado. 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 ninety-eight (98) 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 ninety-eight (98) 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 ninety-eight (98) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;
17. Each of the ninety-eight (98) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Game-Pack-Ticket Number must be printed in the Game-Pack-Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;
18. The Display Printing on the Scratch Ticket must be regular in every respect and correspond precisely to the artwork on file at the Texas Lottery; and
19. The Scratch Ticket must have been received by the Texas Lottery by applicable deadlines.

B. The Scratch Ticket must pass all additional validation tests provided for in these Game Procedures, the Texas Lottery's Rules governing the award of prizes of the amount to be validated, and any confidential validation and security tests of the Texas Lottery.

C. Any Scratch Ticket not passing all of the validation requirements is void and ineligible for any prize and shall not be paid. However, the Executive Director may, solely at the Executive Director's discretion, refund the retail sales price of the Scratch Ticket. In the event a defective Scratch Ticket is purchased, the only responsibility or liability of the Texas Lottery shall be to replace the defective Scratch Ticket with another unplayed Scratch Ticket in that Scratch Ticket Game (or a Scratch Ticket of equivalent sales price from any other current Texas Lottery Scratch Ticket Game) or refund the retail sales price of the Scratch Ticket, solely at the Executive Director's discretion.

2.2 Programmed Game Parameters.

A. GENERAL: A Ticket can win up to eleven (11) times in accordance with the prize structure.

B. GENERAL: Consecutive Non-Winning Tickets within a Pack will not have matching patterns, in the same order, of either Play Symbols or Prize Symbols.

C. PLAY AREA 1 (PLAYBOARD)/ÁREA DE JUEGO 1 (TABLA DE JUEGO): There will be no matching Play Symbols in the CALLER'S CARD/CARTA DEL GRITÓN play area.

D. PLAY AREA 1 (PLAYBOARD)/ÁREA DE JUEGO 1 (TABLA DE JUEGO): At least eight (8) but no more than twelve (12) CALLER'S CARD/CARTA DEL GRITÓN Play Symbols will match a Play Symbol on the PLAYBOARD/TABLA DE JUEGO play area.

E. PLAY AREA 1 (PLAYBOARD)/ÁREA DE JUEGO 1 (TABLA DE JUEGO): No identical Play Symbols are allowed on the same PLAYBOARD/TABLA DE JUEGO play area.

F. PLAY AREA 2 (BONUS)/ÁREA DE JUEGO 2 (BONO): There will never be matching Play Symbols in the BONUS/BONO play areas, unless used as a winning play.

G. PLAY AREA 2 (BONUS)/ÁREA DE JUEGO 2 (BONO): Non-winning Play Symbols from one (1) BONUS/BONO play area will not match winning Play Symbols from another BONUS/BONO play area.

H. PLAY AREA 2 (BONUS)/ÁREA DE JUEGO 2 (BONO): Non-winning Play Symbols will never appear more than one (1) time on a Ticket.

I. PLAY AREA 2 (BONUS)/ÁREA DE JUEGO 2 (BONO): Winning Play Symbols will be matching and appear in the same BONUS/BONO play area and will not appear more than two (2) times on a Ticket.

J. PLAY AREA 3 (10X, 20X, 50X, 100X, 500X MULTIPLIER)/ÁREA DE JUEGO 3 (MULTIPLICADOR 10X, 20X, 50X, 100X, 500X): There will never be matching Play Symbols in the MULTIPLIER/MULTIPLICADOR play areas, unless used as a winning play.

2.3 Procedure for Claiming Prizes.

A. To claim a "LOTERIA SUPREME" Scratch Ticket Game prize of \$100, \$200, \$300 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 \$100, \$200, \$300 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 "LOTERIA SUPREME" Scratch Ticket Game prize of \$1,000, \$5,000, \$10,000 or \$100,000, the claimant must sign the winning Scratch Ticket and may present it at one of the Texas Lottery's Claim Centers. If the claim is validated by the Texas Lottery, payment will be made to the bearer of the validated winning Scratch Ticket for that prize upon presentation of proper identification. When paying a prize of \$600 or more, the Texas Lottery shall file the appropriate income reporting form with the Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

C. To claim a "LOTERIA SUPREME" Scratch Ticket Game top level prize of \$7,500,000, the claimant must sign the winning Scratch Ticket and present it at Texas Lottery Commission headquarters in Austin, Texas. 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 and proof of Social Security number or Tax Payer Identification (for U.S. Citizens or Resident Aliens). 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.

D. As an alternative method of claiming a "LOTERIA SUPREME" Scratch Ticket Game prize, with the exception of the top prize level of \$7,500,000, 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 Commission, P.O. Box 16600, Austin, Texas 78761-6600. The Texas Lottery is not responsible for Scratch Tickets lost in the mail. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

E. 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.
- F. 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 "LOTERIA SUPREME" 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 "LOTERIA SUPREME" 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 6,000,000 Scratch Tickets in Scratch Ticket Game No. 2587. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2587 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$100	800,000	7.50
\$200	600,000	10.00
\$300	100,000	60.00
\$500	300,000	20.00
\$1,000	54,000	111.11
\$5,000	2,300	2608.70
\$10,000	160	37,500.00
\$100,000	30	200,000.00
\$7,500,000	4	1,500,000.00

*The number of prizes in a game is approximate based on the number of tickets ordered. The number of actual prizes available in a game may vary based on number of tickets manufactured, testing, distribution, sales and number of prizes claimed.

**The overall odds of winning a prize are 1 in 3.23. The individual odds of winning for a particular prize level may vary based on sales, distribution, testing, and number of prizes claimed.

A. The actual number of Scratch Tickets in the game may be increased or decreased at the sole discretion of the Texas Lottery Commission.

5.0 End of the Scratch Ticket Game. The Executive Director may, at any time, announce a closing date (end date) for the Scratch Ticket Game No. 2587 without advance notice, at which point no further Scratch Tickets in that game may be sold. The determination of the closing date and reasons for closing will be made in accordance with the Scratch Ticket closing procedures and the Scratch Ticket Game Rules. See 16 TAC §401.302(j).

6.0 Governing Law. In purchasing a Scratch Ticket, the player agrees to comply with, and abide by, these Game Procedures for Scratch Ticket Game No. 2587, the State Lottery Act (Texas Government Code, Chapter 466), applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 401, and all final decisions of the Executive Director.

TRD-202400329
 Bob Biard
 General Counsel
 Texas Lottery Commission
 Filed: January 30, 2024



Texas Parks and Wildlife Department

Notice of a Public Comment Hearing on an Application for a Sand and Gravel Permit

Kinney County has applied to the Texas Parks and Wildlife Department (TPWD) for a General Permit pursuant to Texas Parks and Wildlife Code, Chapter 86, to remove or disturb 161 cubic yards of sedimentary material within the West Nueces River in Kinney County. The purpose is to replace culverts in an existing crossing known as the Bitters Crossing on the West Nueces River. The existing corrugated metal culverts are corroded and will be replaced with pre-cast concrete box culverts. The concrete crossing will be covered with six-inch concrete cap. The location (Bitters Crossing; 29.497947, -100.209051) is approximately 4.5 miles downstream from Ranch Road 3199 (Tularosa Road) and approximately 6.8 miles upstream from Ranch Road 334. Notice is being published and mailed pursuant to 31 TAC §69.105(b).

TPWD will hold a public comment hearing regarding the application at 11:00 a.m. on Friday, March 8, 2024, at TPWD headquarters, located at 4200 Smith School Road, Austin, Texas 78744. A remote participation option will be available upon request. Potential attendees should contact Beth Bendik at (512) 389-8521 or at beth.bendik@tpwd.texas.gov for information on how to participate in the hearing remotely. The hearing is not a contested case hearing under the Texas Administrative Procedure Act. Oral and written public comment will be accepted during the hearing.

Written comments may be submitted directly to TPWD and must be received no later than 30 days after the date of publication of this notice in the *Texas Register*. A written request for a contested case hearing from an applicant or a person with a justiciable interest may also be submitted and must be received by TPWD prior to the close of the

public comment period. Timely hearing requests shall be referred to the State Office of Administrative Hearings. Submit written comments, questions, requests to review the application, or requests for a contested case hearing to the TPWD Sand and Gravel Program by mail: Attn: Beth Bendik, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744; or e-mail sand.gravel@tpwd.texas.gov.

TRD-202400337

James Murphy

General Counsel

Texas Parks and Wildlife Department

Filed: January 30, 2024

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Plateau Water Planning Group

Request for Statements of Interest and Qualifications to Provide Professional Services for the Plateau Water Planning Group - Region J

The Upper Guadalupe River Authority (UGRA), on behalf of the Plateau Water Planning Group (PWPG), is requesting Statements of Interest and Qualifications from engineering/planning firms qualified to provide professional services related to regional water management planning for the PWPG. UGRA is the political subdivision for the PWPG, and as such will be the contracting party on behalf of PWPG.

Background

Senate Bill 1 (SB 1), 75th Texas Legislature, made significant changes in the manner in which state water planning is conducted. Notably, SB 1 shifted the emphasis of state water planning from a centralized approach to a regional planning approach. As part of that process, the Texas Water Development Board (TWDB) designated 16 regional planning areas and appointed members to the regional planning groups.

Consensus-based regional water management plans are developed every five years, beginning in 2000, and submitted to TWDB. The 16 regional water plans are then assembled into a State Water Plan, which is submitted to the Texas Legislature. The 2021 Plateau Region Water Plan can be viewed at: <http://www.ugra.org/assets/pdfs/2021Plateau-RegionWaterPlan.pdf>

The planning region addressed by this Request for Statements of Interest and Qualifications is designated by TWDB as Region J, also known as the Plateau Water Planning Group, which consists of the following counties: Bandera, Edwards, Kerr, Kinney, Real, and Val Verde. Most of the PWPG is dependent on groundwater sources to supply its various needs. Groundwater in the region is principally derived from the Trinity Aquifer in the eastern Hill Country area and the Edwards-Trinity (Plateau) Aquifer throughout most of the rest of the region. Strong attention is made to the relationship between groundwater levels and flows in rivers and streams within the region.

Scope of Services

The SB 1 regional water planning process for the PWPG may require the professional services of qualified engineering/planning firms. This will include but is not necessarily limited to the elements and tasks identified by the TWDB. Additional guidance is available on the TWDB website at: http://www.twdb.texas.gov/waterplanning/rwp/planningdocu/2026/rfa_docs.asp

This request is for professional services to **complete** the regional water planning scope of work for the 6th cycle of planning for Region J. The tasks and budget listed below have been budgeted by TWDB for Region J. The budget values and approximate % of budget remaining is provided for reference:

Task No.	Task Description	Budget (\$) <i>Values are provided for reference only to approximate percent remaining</i>	Approximate % of Budget Remaining
1	Planning area description	8,947	75%
2A	Non-municipal water demand projections	9,674	0%
2B	Population & municipal water demand projections	11,749	0%
3	Water supply analysis	51,494	63%
4A	Water needs analysis	6,787	100%
4B	Identification of Infeasible WMSs in the 2021 RWP	17,119	37%
4C	Technical memorandum	9,591	100%
5A	Identification of Potentially Feasible WMS's	14,267	100%
5B	Evaluation of recommendations of WMS's and projects	145,222	100%
5C	Conservation recommendations	9,451	100%
6	Impacts of plan & consistency with protections of resources	11,502	100%
7	Drought response information, activities and recommendations	17,019	54%
8	Unique Site & Policy recommendations	9,435	100%
9	Implementation and Comparison to the previous regional water plan	11,552	100%
10	Public Participation & Plan Adoption	105,641	55%
11	Comparison to Previous Water Plan	-	NA
12	Prioritization in 2021 Plateau Plan	-	NA
	Total		75%

In addition to the technical role, an engineering/planning consultant may also assist in the design and implementation of public involvement activities, including participating in public meetings, reviewing and responding to public comments, and developing educational materials on regional water planning issues for presentation to both technical and non-technical audiences in the region.

Firms responding to this request for Statements of Interest and Qualifications should be familiar with the rules for state and regional water planning and regional water planning grant assistance as defined by 31 TAC, Chapters 355, 357, and 358. These rules contain: procedures governing applications for financial assistance related to the development or revision of regional water management plans; procedures for the development, adoption, and approval of regional water management plans; and guidelines for the development of the State Water Plan.

Request for Qualifications

Each engineering/planning firm, or team of firms, interested in performing the services described above shall submit a Statement of Interest and Qualifications. The Statement of Interest and Qualifications

shall be limited to ten (10) pages, excluding the résumés of project team members, which should not exceed two (2) pages per team member. The PWPG specifically requests succinct submittals tailored to this request. Respondents should include, as a minimum, the following information in their submittals:

Project Organization and Approach

- Description of your firm's or team's approach to completing the project scope of services described in the Scope of Services section herein.
- Description or illustration of the organization of project personnel of the lead firm and sub-consultants, if any.
- A listing of specific individuals (by name) and their hierarchy, of all personnel to be assigned specifically to this project.
- Description of the firm's internal project review process and quality assurance program.

Experience and Qualifications

- Location, size, and description of your firm and services offered.

- Location, size, and description of any sub-consultants, which may be employed as part of the project team.

- Discussion of relevant experience and technical expertise of project members with regard to regional water supply (ground and surface) planning and engineering for both large and small regional areas.

- A list of no more than five (5) projects similar to the scope of services listed herein, with descriptions of the projects, members of the project teams, time schedule, cost information, and contact persons who are able to verify the information presented. All projects must have been completed within the past ten (10) years. Project descriptions must demonstrate the following recent work experience:

-- regional water planning for various size regions in Texas;

-- interactions with diverse interest groups and stakeholders participating in regional water planning;

-- facilitating consensus building and conflict resolution among stakeholders with diverse and potentially conflicting interests;

-- working with the TWDB in reviewing population forecasts and developing and gaining acceptance of alternative forecasts as necessary;

-- familiarity with data and information available from the TWDB and other sources;

-- familiarity with TWDB's planning grant administration and invoicing requirements;

-- knowledge of statutory and regulatory policies affecting water supply, water quality, water conservation, and drought management issues for both surface and groundwater; and

-- experience with environmental issues and analyses related to water supply development.

Work Load and Schedule

- Current work load of your firm and its ability to complete the work within the schedule defined by the TWDB.

Acknowledgments

- Acknowledgment that, if requested, you will prepare and make a presentation if selected to a "short list".

- Acknowledgment that, if selected, the key individuals of the proposed professional team will not be changed without written concurrence of the PWPG;

- Acknowledgment that, if selected, you will conform to TWDB rules and requirements for grant funding and invoicing; and

- Acknowledgment, or disclosure, of any conflict of interest on the part of any owner or employee of the primary engineering/planning firm, or sub-consultant, with respect to holding elected or appointed office or having employment, or having a direct relationship to any individual holding such office or having employment, with any political subdivision represented on, or working for, the PWPG, or any similar situation that would constitute grounds for disclosure of a real, potential, or perceived conflict of interest in this regard.

Selection

Selection of a firm, or firms, to provide engineering/planning services related to regional water management planning of the PWPG shall be quality based. The Statements of Interest and Qualifications submitted in response to this request should contain no information on the cost of providing these professional services, nor should they contain any data that could be used to derive such costs. The Statements of Interest and Qualifications submitted will be shared with the PWPG. The planning group's consideration of the responses will be objective and impartial.

The selection of the successful firm(s) shall be accomplished by a vote of the PWPG.

Please submit three (3) copies of the Statement of Interest and Qualifications no later than February 13, 2024 to:

Ms. Tara Bushnoe

General Manager

Upper Guadalupe River Authority

125 Lehmann Drive, Suite 100

Kerrville, Texas 78028

Please note any questions, clarifications, or requests for general information are to be in writing via email to Tara Bushnoe (tbushnoe@uga.org).

TRD-202400309

Jonathan Letz

PWPG Chair

Platea Water Planning Group

Filed: January 26, 2024

Rio Grande Council of Governments

Request for Qualifications Engineering Services for Region E Water Planning Group

1. Background and General Information

Senate Bill 1 (SB 1), passed by the 75th Texas Legislature, mandated the Texas Water Development Board (TWDB) to implement a statewide water planning program to ensure that the water needs of all Texans are met looking forward 50 years. In response to this legislation, TWDB adopted state and regional water planning rules, delineated the state into sixteen regional areas, and selected the initial members for the Regional Water Planning Group serving in each area.

The Far West Texas Water Planning Group (FWTWPG) has been designated Region E and consists of all or parts of the following seven (7) Texas counties: Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Presidio, and Terrell.

The FWTWPG is responsible for preparing and adopting a regional water plan for its area and hires a consultant to assist the Group with developing the engineering, hydrological, environmental, legal, and institutional components of the plan. The planning process begins with the collection and analyses of many types of information related to regional water supplies and the demands placed on them by area users. The Group decides how future water needs may be met and includes in their water plan information about water supplies and demand, water quality problems affecting the water supply, and the social and economic characteristics of the region.

The plan will also identify water supply threats to agriculture and natural resources. Information concerning current preparations for drought and the status of other water plans in the region will also be reviewed during plan development. In addition, the plan addresses the prioritization of water management strategies, based on factors related to strategy cost, year of need, amount of water the strategy provides, and so on.

Before the plan can be finalized, FWTWPG must provide for public input in the planning process, hold public meetings, and furnish a draft report of the plan for public review and comment. The water plan must address the needs of all water users and suppliers in their region (except certain political subdivisions that decide not to participate.) Once this

process has been completed, the final adopted plan will be forwarded to TWDB for approval and incorporation into a comprehensive state water plan.

The Rio Grande Council of Governments (RIOCOG) serves as the administrative entity and public involvement coordinator for the FWTWPG. The RIOCOG's role in the regional water planning process has three broad aspects:

- Provides administrative support for the FWTWPG
- Provides fiscal management of TWDB funds that have been passed through to technical consultants to the Planning Group; and
- Develops and implements a comprehensive public involvement strategy to maximize local input and buy-in to the planning process.
- The RIOCOG therefore acts as the fiscal agent and project manager for the regional planning effort.

The RIOCOG, is a political subdivision of the state codified pursuant to the Texas Local Government Code, Chapter 391, is the regional organization through which local governments consider issues and cooperate in solving area wide problems. Through RIOCOG, local governments also initiate efforts in anticipating and preventing problems, thus saving public funds. In order to address the needs of citizens and businesses, local governments are providing leadership to guide regional development wisely and manage change constructively.

2. SOLICITATION

The RIOCOG, on behalf of the Region E FWTWPG, is soliciting Statements of Qualifications (SOQ) from engineering/planning firms qualified to provide professional consulting services related to Regional Water Planning activities. The RIOCOG is the administrative entity for the FWTWPG, and as such will be the contracting party on behalf of the Group. The SOQ should be submitted in accordance with the instructions listed in Item 4.B. below.

3. SCOPE OF WORK

The required Scope of Work for the sixth cycle of the 2026 Regional Water Plans can be found here, Sixth Cycle Regional Water Planning Documents | Texas Water Development Board. The Scope of work is to be amended to incorporate remaining planning tasks that are necessary to complete the 2026 Regional Water Plans at a later date. Respondents may contact the following individual regarding clarification of the Request for Qualification: Annette Gutierrez, Executive Director, RIOCOG, at annetteg@riocog.org.

4. SUBMISSION OF STATEMENT OF QUALIFICATIONS

Respondents shall carefully read the information in the following evaluation criteria and submit a complete Statement of Qualifications to all questions in this RFQ.

A. All proposals shall be submitted to and all correspondence shall be directed to Annette Gutierrez at annetteg@riocog.org.

B. All proposals must be received electronically no later than 2:00 p.m., MST, on Friday, February 9 to annetteg@riocog.org. The subject line of the email should be "Region E FWTWPG Engineering RFQ". No verbal or fax submittals will be accepted or considered valid.

C. Each proposal shall be signed by the principals of the firm.

D. All RFQs become the property of the RIOCOG upon return and will not be returned to the submitted.

E. Any cost or expense incurred by the Firm that is associated with the preparation or selection process of the RFQ shall be borne solely by the Firm.

F. Inquiries and Interpretations: Responses to inquiries which directly affect an interpretation or change to this RFQ will be issued in writing by the RIOCOG as an addendum and faxed or emailed to all parties recorded by the RIOCOG as having received a copy of the RFQ. All such addenda issued by the RIOCOG prior to the time that proposals are received shall be considered part of the RFQ, and the Respondent shall be required to consider and acknowledge receipt of each addendum in its Qualifications. Only those inquiries the RIOCOG replies to by addenda shall be binding. Oral and other interpretations or clarifications will be without legal effect.

G. Respondents shall restrict all contact and questions regarding this RFQ to Annette Gutierrez at annetteg@riocog.org. Respondents or their agents are prohibited from lobbying members of the RIOCOG and its staff. Failure to comply with this clause shall be grounds for rejection of their RFQ as non-responsive.

H. Firms are prohibited from contacting any RIOCOG employee, FWTWPG or RIOCOG Board of Directors for the purpose of lobbying to secure this agreement. All requests for information shall be made to the Executive Director, Annette Gutierrez at annetteg@riocog.org.

5. STATEMENT OF QUALIFICATIONS REQUIREMENTS

The firm should have extensive experience in working in environmental issues and analyses related to flood planning and management. The qualifications and commitment of the key personnel assigned to this project is critically important in the selection of a firm. Please provide the following in your proposal.

A. Qualifications (40 points)

I. Cover letter and introduction including legal name of firm, phone number and email address of the person(s) authorized to represent the company regarding all matters related to the proposal.

II. A description of the firm, including brief history, date of formation, number of employees, philosophy regarding client and customer service, location, years in business, biographies of principals, biography of the individual who will be assigned as the primary representative to the RIOCOG.

III. Provide statement detailing the firm and its staff are qualified to complete tasks related to the Scope of Services.

IV. Provide a statement on whether the firm is currently or in the past been involved in disciplinary action by any licensing organization.

B. Staffing (35 points)

I. Provide statement on the availability and commitment of the firm, its principal(s) and assigned professionals to undertake the project and reporting,

II. Provide names and roles of key personnel proposed to work on this project, their educational backgrounds, licenses and certificates earned.

III. Provide office locations for all key personnel proposed to work on this project.

C. Experience with similar projects (25 points)

I. Five references (past or current). Firms shall provide contact information for five clients for whom the firm has provided similar services and including entity name, address, service, provided, contact person, and telephone number.

II. Firm shall describe any contracts for services awarded to your firm that have been cancelled or terminated for unsatisfactory performance.

III. Provide a statement on whether the firm is currently or has in the past been involved in litigation with a client.

6. EVALUATION AND SELECTION

This RFQ provides information necessary to prepare and submit qualifications for consideration and ranking by the RIOCOG. The FWTWPG Executive Committee will rank the firms in order of the most qualified, based on demonstrated competence and qualification to perform the services, subject to negotiation of fair and reasonable compensation. The Executive Committee will then recommend the finalist to the FWTWP group for approval. RGOOG will then negotiate a contract with the finalist. If a satisfactory contract cannot be negotiated with the most highly qualified firm, the RIOCOG will formally end negotiations with that firm and select the next most highly qualified firm and negotiate a contract at a fair and reasonable price.

7. Conflict of Interest Questionnaire Chapter 176 of the Local Government Code requires vendors and qualified firms contracting or seeking to do business with RIOCOG to file a conflict of interest questionnaire (CIQ). The required questionnaire is located at the Texas Ethics Commission Website Form CIQ. The list of RIOCOG officers, subject to HB 914 disclosure requirements, can be found on the RIOCOG's website, <http://www.riocog.org>. The CIQ must be completed and filed with

the proposal response. Vendors and qualified firms that do not include the form with the response, and fail to timely provide it, may be disqualified from consideration by RIOCOG.

8. Reservation of Rights and Contract Requirements

A. The RIOCOG reserves the right to select one or no firm in response to this RFQ.

B. The firm, if selected, will be the firm whose RFQ is deemed most advantageous to the RIOCOG, as determined by the RIOCOG.

C. This RFQ does not commit the RIOCOG to enter into a Contract, award any services related to this RFQ.

TRD-202400317

Annette Gutierrez
Executive Director
Rio Grande Council of Governments
Filed: January 29, 2024



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 24 of Volume 49 (2024) is cited as follows: 49 TexReg 24.

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 “49 TexReg 2 issue date,” while on the opposite page, page 3, in the lower right-hand corner, would be written “issue date 49 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: <http://www.sos.state.tx.us>. 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
26. Health and Human 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 §27.15: 1 indicates the title under which the agency appears in the *Texas Administrative Code*; *TAC* stands for the *Texas Administrative Code*; §27.15 is the section number of the rule (27 indicates that the section is under Chapter 27 of Title 1; 15 represents the individual section within the chapter).

How to Update: To find out if a rule has changed since the publication of the current supplement to the *Texas Administrative Code*, please look at the *Index of Rules*.

The *Index of Rules* is published cumulatively in the blue-cover quarterly indexes to the *Texas Register*.

If a rule has changed during the time period covered by the table, the rule’s *TAC* number will be printed with the *Texas Register* page number and a notation indicating the type of filing (emergency, proposed, withdrawn, or adopted) as shown in the following example.

TITLE 1. ADMINISTRATION Part 4. Office of the Secretary of State Chapter 91. Texas Register

1 TAC §91.1.....950 (P)

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