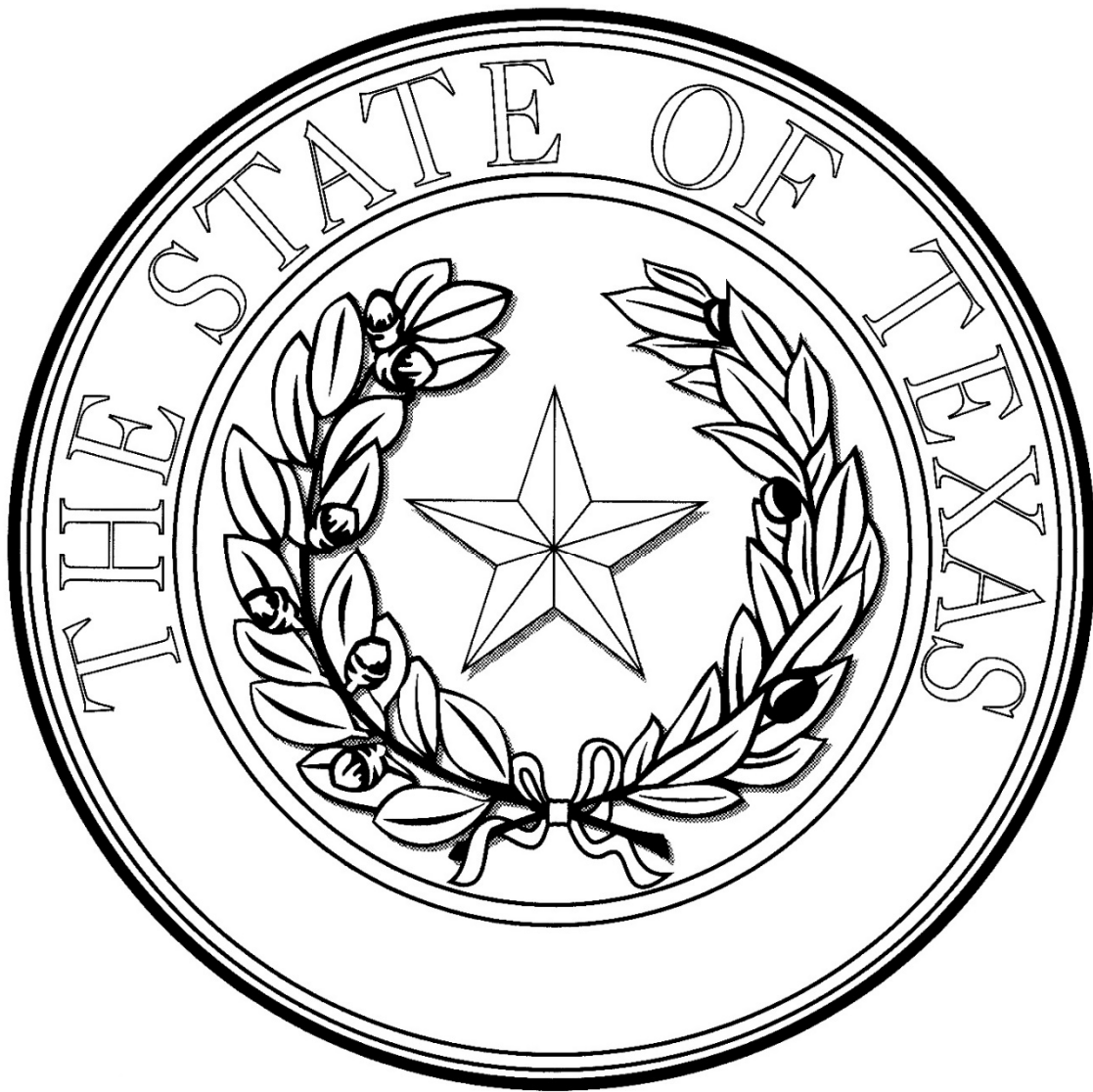

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Secretary of State - Jane Nelson

Interim Director - Zeenia R. Challa

Editor-in-Chief - Jill S. Ledbetter

Deputy Editor-in-Chief - Belinda Kirk

Editors

Leticia Benavides

Jay Davidson

Briana Franklin

Laura Levack

Matthew Muir

Breanna Mutschler

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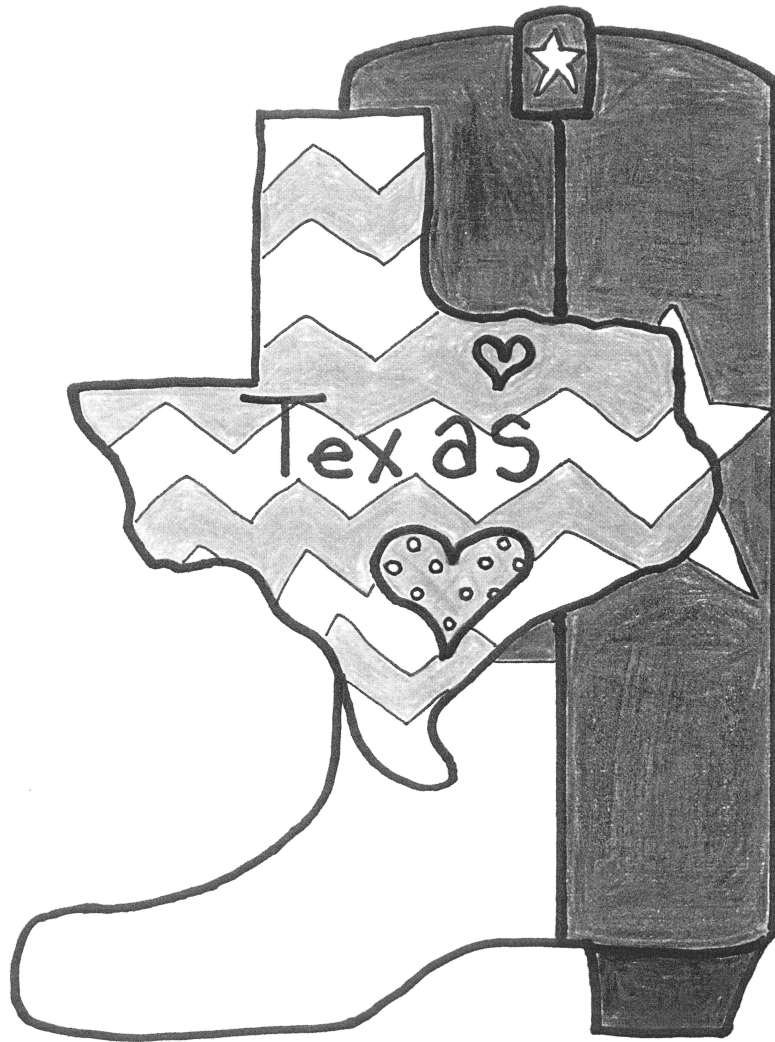
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THE GOVERNOR

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 April 25, 2025

Appointed to the Texas Poet Laureate, State Musician and State Artists Committee for a term to expire October 1, 2025, John A. Rydman of Houston, Texas (replacing Sean Payton of Killeen, whose term expired).

Appointed to the Texas Board of Medical Radiologic Technology for a term to expire February 1, 2031, Faraz A. Kahn, M.D. of Houston, Texas (Dr. Khan is being reappointed).

Appointed to the Texas Board of Medical Radiologic Technology for a term to expire February 1, 2031, Regan Landreth of Salado, Texas (Ms. Landreth is being reappointed).

Appointed to the Texas Board of Medical Radiologic Technology for a term to expire February 1, 2031, James K. "Ken" Stout of Ropesville, Texas (replacing Carol Waddell of West, whose term expired).

Appointed to the Texas State Board of Social Worker Examiners for a term to expire February 1, 2031, Jason L. Bernal of New Braunfels, Texas (replacing Asia Rodgers of Fort Worth, whose term expired).

Appointed to the Texas State Board of Social Worker Examiners for a term to expire February 1, 2031, David T. Marsden of Weatherford, Texas (replacing Dolores Saenz-Davila of Mission, whose term expired).

Appointed to the Texas State Board of Social Worker Examiners for a term to expire February 1, 2031, Jennifer B. Swords of Euless, Texas (Ms. Swords is being reappointed).

Appointments for April 28, 2025

Appointed to the State Board for Educator Certification for a term to expire February 1, 2029, Latisha D. Andrews of Houston, Texas (replacing Scott R. Muri, Ed.D. of Odessa, who resigned).

Appointed to the State Board for Educator Certification for a term to expire February 1, 2031, Adam J. Booth of Leander, Texas (replacing Josue Tamarez Torres of Forney, whose term expired).

Appointed to the State Board for Educator Certification for a term to expire February 1, 2031, Wanda H. "Jean" Streepey of Dallas, Texas (Ms. Streepey is being reappointed).

Appointed to the State Board for Educator Certification for a term to expire February 1, 2031, Tara Turk-Zaafan of Houston, Texas (replacing Tommy L. Coleman of Livingston, whose term expired).

Appointed to the Texas Medical Board for a term to expire April 13, 2031, Devinder S. Bhatia, M.D. of Houston, Texas (Dr. Bhatia is being reappointed).

Appointed to the Texas Medical Board for a term to expire April 13, 2031, Luisa del Rosal of Dallas, Texas (Ms. Del Rosal is being reappointed).

Appointed to the Texas Medical Board for a term to expire April 13, 2031, James S. "JD" Distefano, D.O. of College Station, Texas (Dr. Distefano is being reappointed).

Appointed to the Texas Medical Board for a term to expire April 13, 2031, Mary K. "Kelly" Green, M.D. of Marble Falls, Texas (replacing Satish Nayak, M.D. of Andrews, whose term expired).

Appointed to the Texas Medical Board for a term to expire April 13, 2031, Tomeka R. Moses Herod of Allen, Texas (Ms. Herod is being reappointed).

Appointed to the Texas Medical Board for a term to expire April 13, 2031, Roberto D. "Robert" Martinez, M.D. of Edinburg, Texas (Dr. Martinez is being reappointed).

Appointed to the Texas Medical Board for a term to expire April 13, 2031, Jason K. Tibbels, M.D. of Bridgeport, Texas (Dr. Tibbels is being reappointed).

Appointments for April 29, 2025

Designated as presiding officer of the Lower Colorado River Authority for a term to expire at the pleasure of the Governor, Stephen F. "Steve" Cooper of El Campo (replacing Timothy T. "Tim" Timmerman of Austin as presiding officer).

Appointed to the Lower Colorado River Authority for a term to expire February 1, 2031, Curtis E. Ford of Austin, Texas (replacing Timothy T. "Tim" Timmerman of Austin, whose term expired).

Appointed to the Lower Colorado River Authority for a term to expire February 1, 2031, Arthur A. "Aden" Lasseter of Round Mountain, Texas (replacing Thomas M. "Tom" Martine of Cypress Mill, whose term expired).

Appointed to the Lower Colorado River Authority for a term to expire February 1, 2031, Robert D. "Bobby" Lewis, D.V.M. of Bastrop, Texas (Dr. Lewis is being reappointed).

Appointed to the Lower Colorado River Authority for a term to expire February 1, 2031, Mark M. Mayo of Luling, Texas (replacing Michael L. "Mike" Allen of Ingram, whose term expired).

Appointed to the Lower Colorado River Authority for a term to expire February 1, 2031, Margaret D. "Meg" Voelter of Austin, Texas (Ms. Voelter is being reappointed).

Appointed to the Texas State Board of Examiners of Marriage and Family Therapists for a term to expire February 1, 2031, Russell F. "Russ" Barteel, Ph.D. of Fort Worth, Texas (Dr. Barteel is being reappointed).

Appointed to the Texas State Board of Examiners of Marriage and Family Therapists for a term to expire February 1, 2031, James Castro of Bergheim, Texas (replacing Jeanene L. Smith of Austin, whose term expired).

Appointed to the Texas State Board of Examiners of Marriage and Family Therapists for a term to expire February 1, 2031, William R. "Will" Price of Houston, Texas (replacing Daniel W. Parrish of DeSoto, whose term expired).

Appointments for April 30, 2025

Designated as board president of the San Jacinto River Authority Board of Directors for a term to expire at the pleasure of the Governor, Ronald W. "Ronnie" Anderson of Mont Belvieu.

Appointed to the San Jacinto River Authority Board of Directors for a term to expire October 16, 2027, Charles E. "Ed" Boulware, Jr. of Montgomery, Texas (Mr. Boulware is being reappointed).

Appointed to the San Jacinto River Authority Board of Directors for a term to expire October 16, 2027, Mark F. Micheletti of Kingwood, Texas (Mr. Micheletti is being reappointed).

Appointed to the State Preservation Board for a term to expire February 1, 2027, Alethea Swann Bugg of San Antonio, Texas (Ms. Bugg is being reappointed).

Greg Abbott, Governor

TRD-202501487



Proclamation 41-4177

TO ALL TO WHOM THESE PRESENTS SHALL COME:

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

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

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

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

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

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 22nd day of April, 2025.

Greg Abbott, Governor

TRD-202501382



Proclamation 41-4178

TO ALL TO WHOM THESE PRESENTS SHALL COME:

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

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

NOW, THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby amend and renew the aforementioned proclamation and declare a disaster in Aransas, Atascosa, Bandera, Bastrop, Bee, Bell, Bexar, Blanco, Brewster, Burleson, Burnet, Caldwell, Calhoun, Cameron, Childress, Clay, Collingsworth, Colorado, Comal, Concho, Crane, Crockett, Culberson, DeWitt, Dimmit, Donley, Duval, Edwards, El Paso, Foard, Franklin, Frio, Gillespie, Goliad, Gonzales, Grayson, Guadalupe, Hall, Hardeman, Hays, Hidalgo, Hudspeth, Irion, Jeff Davis, Jim Hogg, Jim Wells, Karnes, Kendall, Kerr, Kimble, Kinney, Kleberg, Lampasas, La Salle, Lavaca, Live Oak, Llano, Loving, Lubbock, Mason, Matagorda, Maverick, McCulloch, McMullen, Medina, Menard, Midland, Mitchell, Montgomery, Nueces, Pecos, Presidio, Real, Reeves, San Patricio, San Saba, Schleicher, Scurry, Sutton, Terrell, Tom Green, Travis, Upton, Uvalde, Val Verde, Victoria, Ward, Washington, Webb, Wharton, Wichita, Willacy, Williamson, Wilson, Winkler, Zapata, and Zavala Counties.

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

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

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

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 22nd day of April, 2025.

Greg Abbott, Governor

TRD-202501383



Proclamation 41-4179

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, I, GREG ABBOTT, Governor of the State of Texas, issued a disaster proclamation on March 29, 2025, certifying that the severe storms and flooding event that began on March 27, 2025, which included heavy rainfall, flash flooding, and hazardous wind gusts, caused widespread and severe property damage, injury, or loss of life in Cameron, Hidalgo, Starr, and Willacy Counties;

NOW, THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby renew the aforementioned proclamation and declare a disaster in the previously listed counties.

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

Pursuant to Section 418.016 of the Texas Government Code, any regulatory statute prescribing the procedures for conduct of state business or any order or rule of a state agency that would in any way prevent, hinder, or delay necessary action in coping with this disaster shall be suspended upon written approval of the Office of the Governor. However, to the extent that the enforcement of any state statute or administrative rule regarding contracting or procurement would impede any

state agency's emergency response that is necessary to protect life or property threatened by this declared disaster, I hereby authorize the suspension of such statutes and rules for the duration of this declared disaster.

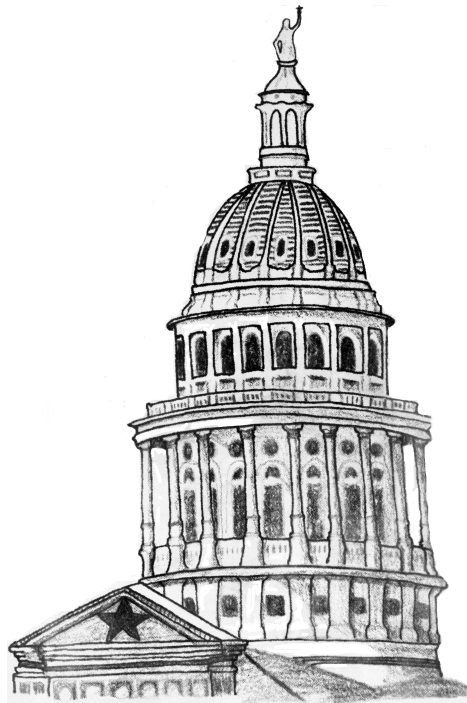
In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 28th day of April, 2025.

Greg Abbott, Governor

TRD-202501402

◆ ◆ ◆



THE ATTORNEY GENERAL

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

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

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

Requests for Opinions

RQ-0595-KP

Requestor:

The Honorable Cecil Bell, Jr.

Chair, House Committee on Intergovernmental Affairs

Texas House of Representatives

Post Office Box 2910

Austin, Texas 78768-2910

Re: Legislative authority over the size or scope of a city's extraterritorial jurisdiction

(RQ-0595-KP)

Briefs requested by May 27, 2025

RQ-0596-KP

Requestor:

The Honorable Paul Bettencourt

Chair, Senate Committee on Local Government

Texas State Senate

Post Office Box 12068

Austin, Texas 78711-2068

Re: Disposition of corporate earnings under Chapter 394 of the Texas Local Government Code (RQ-0596-KP)

Briefs requested by May 23, 2025

RQ-0597-KP

Requestor:

The Honorable Gary Gates

Chair, House Committee on Land and Resource Management

Texas House of Representatives

Post Office Box 2910

Austin, Texas 78768-2910

Re: Commissioners Court authority to select a firm to assist with redrawing precinct lines pursuant to Chapter 42, Texas Elections Code (RQ-0597-KP)

Briefs requested by May 27, 2025

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

TRD-202501418

Justin Gordon

General Counsel

Office of the Attorney General

Filed: April 29, 2025

◆ ◆ ◆



PROPOSED RULES

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

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

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

TITLE 7. BANKING AND SECURITIES

PART 4. DEPARTMENT OF SAVINGS AND MORTGAGE LENDING

CHAPTER 51. DEPARTMENT ADMINISTRATION

The Finance Commission of Texas (commission), on behalf of the Department of Savings and Mortgage Lending (SML), proposes rule changes in Chapter 51: repeals in Subchapter A (§§51.1 - 51.4), Subchapter D (§§51.300 - 51.304), Subchapter E (§§51.400 - 51.405), and Subchapter F (§§51.500 - 51.506); amendments in Subchapter B (§51.100) and Subchapter C (§51.200); and new rules in Subchapter A (§§51.1 - 51.5) (proposed rules).

Explanation of and Justification for the Rules

The proposed rules are the product of SML's rule review of 7 TAC Chapter 51, Department Administration, conducted in accordance with Government Code §2001.039. The existing rules in Chapter 51 establish various requirements concerning SML's administrative processes and procedures.

Changes Concerning the Reorganization of Chapter 51

SML has determined it should reorganize its rules in 7 TAC Chapter 51 by relocating the existing rules in Subchapter E, Mortgage Grant Fund, to Chapter 52, a vacant chapter. SML has further determined it should relocate the existing rules in Subchapter D, Recovery Fund, and Subchapter F, Mortgage Grant Fund: Recovery Claims for Unlicensed Activity, to Chapter 53, a vacant chapter. The proposed rules, if adopted, would effectuate these changes.

Changes Concerning Consumer Complaints (Subchapter A)

The existing rules in Chapter 51, Subchapter A, Complaints, govern SML's administration of Finance Code §13.011, requiring SML to maintain a system to act on consumer complaints, and establish processes and procedures used by SML to process those complaints. The proposed rules: in §51.1, Purpose, clarify the purpose of the rules in Subchapter A; in §51.2, Definitions, adopt new definitions for "Consumer Responsiveness Unit," "respondent," and "SML," and eliminate the definition for "Department"; in §51.3, Computation of Time, clarify how time periods measured in calendar days are computed; in §51.4, Processing Inquiries and Complaints, clarify SML's processes and procedures for processing inquiries and complaints, reduce the time period during which a complainant is allowed to request reconsideration of the disposition of their complaint from 90 days to 60 days, establish a four-year limitations period to file a complaint, and clarify that SML will make reasonable efforts to re-

solve a complaint within 120 days after the date the complaint is received instead of within 90 days after the date the complaint investigation is complete.

Changes Concerning Hearings and Appeals (Subchapter B)

The existing rules in Chapter 51, Subchapter B, Hearings and Appeals, establish procedural requirements for contested cases and augment the commission's rules in 7 TAC Chapter 9, Rules of Procedure for Contested Case Hearings, Appeals, and Rulemakings. The proposed rules: in §51.100, Appeals, Hearings, and Informal Settlement Conferences, clarify that the rules of the State Office of Administrative Hearings (SOAH) apply to contested cases referred to SOAH, and clarify that an appeal for judicial review must be brought in a district court in Travis County, Texas.

Changes Concerning Advisory Committees (Subchapter C)

The existing rules in Chapter 51, Subchapter C, Advisory Committees, govern advisory committees created by SML under Finance Code §13.018, allowing SML to appoint advisory committees to assist in discharging its duties. SML has one advisory committee created under Finance Code §13.018 - the Mortgage Grant Advisory Committee (MGAC) - to assist in administering the mortgage grant fund under Finance Code Chapter 156, Subchapter G. The proposed rules: in §51.200, Advisory Committees, change the date on which advisory committees created under Finance Code §13.018 are abolished from September 1, 2031 to September 1, 2030, to align more closely with SML's schedule for rule review, list the MGAC as an advisory committee subject to the rule, and remove references to the mortgage industry advisory committee created under Finance Code §156.104 which is not subject to the rule since it is not created under Finance Code §13.018.

Other Modernization and Update Changes

The proposed rules, if adopted, would make changes to modernize and update the rules including: adding and replacing language for clarity and to improve readability; removing unnecessary or duplicative provisions; and updating terminology.

Fiscal Impact on State and Local Government

Antonia Antov, Director of Operations for SML, has determined that for the first five-year period the proposed rules are in effect there are no foreseeable increases or reductions in costs to local governments as a result of enforcing or administering the proposed rules. Antonia Antov has further determined that for the first five-year period the proposed rules are in effect there are no foreseeable losses or increases in revenue to local governments as a result of enforcing or administering the proposed rules. Antonia Antov has further determined that for the first five-year period the proposed rules are in effect there are no foreseeable increases or reductions in costs or losses or increases in revenue

to the state overall that would impact the state's general revenue fund as a result of enforcing or administering the proposed rules. Implementation of the proposed rules will not require an increase or decrease in future legislative appropriations to SML because SML is a self-directed, semi-independent agency that does not receive legislative appropriations. The proposed rules will not result in losses or increases in revenue to the state because SML does not contribute to the state's general revenue fund.

Public Benefits

Hector Retta, the SML Commissioner, has determined that for each of the first five years the proposed rules are in effect, the public benefit anticipated as a result of enforcing or administering the proposed rules will be for members of the public to better understand SML's administrative processes and procedures.

Probable Economic Costs to Persons Required to Comply with the Proposed Rules

Hector Retta has determined that for the first five years the proposed rules are in effect there are no probable economic costs to persons required to comply with the proposed rules that are directly attributable to the proposed rules for purposes of the cost note required by Government Code §2001.024(a)(5) (direct costs).

One-for-One Rule Analysis

Pursuant to Finance Code §16.002, SML is a self-directed semi-independent agency and thus not subject to the requirements of Government Code §2001.0045.

Government Growth Impact Statement

For each of the first five years the proposed rules are in effect, SML has determined the following: (1) the proposed rules do not create or eliminate a government program; (2) implementation of the proposed rules does not require the creation of new employee positions or the elimination of existing employee positions; (3) implementation of the proposed rules does not require an increase or decrease in legislative appropriations to the agency; (4) the proposed rules do not require an increase or decrease in fees paid to the agency; (5) the proposed rules do create a new regulation (rule requirement). The proposed rules related to Changes Concerning Consumer Complaints (Subchapter A), Changes Concerning Hearings and Appeals (Subchapter B), and Changes Concerning Advisory Committees (Subchapter C) establish various rule requirements, as discussed in those sections; (6) the proposed rules do expand, limit, or repeal an existing regulation (rule requirement). The proposed rules related to Changes Concerning Consumer Complaints (Subchapter A) expand or limit existing rule requirements, as discussed in such section; (7) the proposed rules do not increase or decrease the number of individuals subject to the rules' applicability; and (8) the proposed rules do not positively or adversely affect this state's economy.

Local Employment Impact Statement

No local economies are substantially affected by the proposed rules. As a result, preparation of a local employment impact statement pursuant to Government Code §2001.022 is not required.

Fiscal Impact on Small and Micro-Businesses and Rural Communities

The proposed rules will not have an adverse effect on small or micro-businesses or rural communities because there are no

probable economic costs anticipated to persons required to comply with the proposed rules. As a result, preparation of an economic impact statement and a regulatory flexibility analysis as provided by Government Code §2006.002 are not required.

Takings Impact Assessment

There are no private real property interests affected by the proposed rules. As a result, preparation of a takings impact assessment as provided by Government Code §2007.043 is not required.

Public Comments

Written comments regarding the proposed rules may be submitted by mail to Iain A. Berry, General Counsel, at 2601 North Lamar Blvd., Suite 201, Austin, Texas 78705-4294, or by email to rules.comments@sml.texas.gov. Comments must be received within 30 days after publication of this notice.

SUBCHAPTER A. COMPLAINTS

7 TAC §§51.1 - 51.4

Statutory Authority

This proposal is made under the authority of: Government Code §2001.004(1), requiring a state agency to adopt rules of practice stating the nature and requirements of all available formal and informal procedures; Finance Code §96.002(a), authorizing the commission to adopt rules necessary to supervise and regulate Texas-chartered savings banks and to protect public investment in Texas-chartered savings banks; Finance Code §156.102(a), authorizing the commission to adopt rules necessary for the intent of or to ensure compliance with Finance Code Chapter 156, the Residential Mortgage Loan Company Licensing and Registration Act; Finance Code §157.0023(a), authorizing the commission to adopt rules necessary to implement or fulfill the purposes of Finance Code Chapter 157, the Mortgage Banker Registration and Residential Mortgage Loan Originator License Act; Finance Code §158.003(b), authorizing the commission to adopt and enforce rules necessary for the purposes of or to ensure compliance with Finance Code Chapter 158, the Residential Mortgage Loan Servicer Registration Act; Finance Code §159.108, authorizing the commission to adopt and enforce rules necessary for the intent of or to ensure compliance with Finance Code Chapter 159, Subchapter C; Finance Code §180.004(b), authorizing the commission to implement rules necessary to comply with Finance Code Chapter 180, the Texas Secure and Fair Enforcement for Mortgage Licensing Act of 2009 (Texas SAFE Act); and Finance Code §180.061(5), authorizing the commission to adopt rules establishing requirements for investigation and examination authority for purposes of investigating a violation or complaint arising under the Texas SAFE Act. This proposal is also made under the authority of, and to implement, Finance Code §§11.307, 13.011, 156.301, 157.0022, 157.009, 157.021, 157.026, 158.059, and 158.102.

This proposal affects the statutes in Finance Code: Title 3, Subtitles B and C; and Chapters 13, 156, 157, 158, 159, and 180.

§51.1. Definitions.

§51.2. Complaint Processing.

§51.3. Complaint Resolution and Disposition.

§51.4. Complaint Review and Reporting.

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

TRD-202501372

Iain A. Berry

General Counsel

Department of Savings and Mortgage Lending

Earliest possible date of adoption: June 8, 2025

For further information, please call: (512) 475-1535



SUBCHAPTER A. CONSUMER COMPLAINTS

7 TAC §§51.1 - 51.5

Statutory Authority

This proposal is made under the authority of: Government Code §2001.004(1), requiring a state agency to adopt rules of practice stating the nature and requirements of all available formal and informal procedures; Finance Code §96.002(a), authorizing the commission to adopt rules necessary to supervise and regulate Texas-chartered savings banks and to protect public investment in Texas-chartered savings banks; Finance Code §156.102(a), authorizing the commission to adopt rules necessary for the intent of or to ensure compliance with Finance Code Chapter 156, the Residential Mortgage Loan Company Licensing and Registration Act; Finance Code §157.0023(a), authorizing the commission to adopt rules necessary to implement or fulfill the purposes of Finance Code Chapter 157, the Mortgage Banker Registration and Residential Mortgage Loan Originator License Act; Finance Code §158.003(b), authorizing the commission to adopt and enforce rules necessary for the purposes of or to ensure compliance with Finance Code Chapter 158, the Residential Mortgage Loan Servicer Registration Act; Finance Code §159.108, authorizing the commission to adopt and enforce rules necessary for the intent of or to ensure compliance with Finance Code Chapter 159, Subchapter C; Finance Code §180.004(b), authorizing the commission to implement rules necessary to comply with Finance Code Chapter 180, the Texas Secure and Fair Enforcement for Mortgage Licensing Act of 2009 (Texas SAFE Act); and Finance Code §180.061(5), authorizing the commission to adopt rules establishing requirements for investigation and examination authority for purposes of investigating a violation or complaint arising under the Texas SAFE Act. This proposal is also made under the authority of, and to implement, Finance Code §§11.307, 13.011, 156.301, 157.0022, 157.009, 157.021, 157.026, 158.059, and 158.102.

This proposal affects the statutes in Finance Code: Title 3, Subtitles B and C; and Chapters 13, 156, 157, 158, 159, and 180.

§51.1. Purpose.

This subchapter governs SML's administration of Finance Code §13.011, requiring SML to maintain a system to act on consumer complaints. This subchapter establishes processes and procedures used by SML to process inquiries and complaints submitted by consumers.

§51.2. Definitions.

In this chapter, the following definitions apply, unless the context clearly indicates otherwise:

(1) "Commissioner" means the savings and mortgage lending commissioner appointed under Finance Code Chapter 13.

(2) "Complainant" means a person who submits a complaint to SML.

(3) "Complaint" means a signed, written communication received by the Consumer Responsiveness Unit that expresses dissatisfaction with a transaction or alleges wrongful conduct.

(4) "Consumer Responsiveness Unit" or "CRU" means the section or unit within SML that receives inquiries and complaints from consumers and investigates complaints.

(5) "Inquiry" means a communication received by the Consumer Responsiveness Unit that expresses dissatisfaction with a transaction or alleges wrongful conduct but is not a complaint.

(6) "Respondent" means an entity or individual who is the subject of a complaint.

(7) "SML" means the Department of Savings and Mortgage Lending.

§51.3. Computation of Time.

In this subchapter, the calculation of any time period measured in days is made using calendar days unless clearly stated otherwise. In computing a period of calendar days, the first day is excluded, and the last day is included. If the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday, or legal holiday, unless clearly stated otherwise.

§51.4. Processing Inquiries and Complaints.

(a) Processing Inquiries. When an inquiry is received, the CRU will determine whether SML has jurisdiction and regulates the entity and the issue that is the subject of the inquiry. If SML does not, the CRU will inform the person making the inquiry of the appropriate regulatory authority, if known. If SML regulates the entity and the issue that is the subject of the inquiry, the CRU will inform the person making the inquiry of the procedure for submitting a complaint.

(b) Submitting a Complaint. Complaints may be submitted on SML's website (sml.texas.gov), by mail (Attn: Consumer Responsiveness Unit, 2601 N. Lamar Blvd., Suite 201, Austin, Texas 78705), or by email (complaintsubmission@sml.texas.gov). SML will collect the following items and information, if available:

(1) the complainant's name and contact information;

(2) the respondent's name, Nationwide Multistate Licensing System ID, if applicable, and contact information;

(3) the date and place of the alleged misconduct, violation, or transaction;

(4) a description of the facts or conduct alleged to violate applicable statutes or rules; and

(5) any written documentation supporting the complaint.

(c) Processing Complaints.

(1) Jurisdiction review. When a complaint is received, the CRU will determine whether SML has jurisdiction and regulates the entity and the issue that is the subject of the complaint. If SML does not, the CRU will inform the person making the complaint of the appropriate regulatory authority, if known, and the complaint will be closed. The CRU may conduct a preliminary investigation that is limited in scope to determine if SML has jurisdiction and regulates the entity and the issue that is the subject of the complaint.

(2) Reasonable cause review. If SML has jurisdiction and regulates the entity and the issue that is the subject of the complaint, the CRU will determine if reasonable cause exists to conduct an investigation. Reasonable cause exists if the complaint presents facts and evidence indicating that a violation of law more likely than not occurred

that is within SML's authority to take action to address. The CRU may conduct a preliminary investigation that is limited in scope to determine if reasonable cause exists. If reasonable cause does not exist, the complaint will be closed. SML may close a complaint for lack of reasonable cause if it involves facts and evidence that are substantially similar to those investigated in a previous complaint submitted by the complainant.

(3) Respondent's response. If reasonable cause exists, SML will send a copy or a summary of the complaint and appropriate supporting documentation to the respondent to request a response unless SML determines that doing so would jeopardize investigation of the complaint or an enforcement action. A respondent must respond within 14 days after the date the request is sent, unless an extension is given. The respondent must respond by the new deadline if an extension is given. If the respondent fails to respond, the factual matters alleged in the complaint may be construed against the respondent and may constitute grounds for an enforcement action against the respondent. SML will provide a copy of the response to the complainant unless the respondent requests that the response be kept confidential from the complainant, or SML determines that providing the response would jeopardize investigation of the complaint or an enforcement action. The respondent may provide a copy of the response to the complainant at the time it sends its response to SML, and if so, the respondent must indicate as such in the response (i.e., by listing the complainant as a carbon copy recipient).

(4) Investigation. On receipt of the respondent's response, the CRU will conduct an investigation. Investigations will be conducted as SML considers appropriate based on the relevant facts and circumstances known or reasonably inferred. An investigation may include:

(A) review of documentary evidence;

(B) interviews with complainants, respondents, and third parties, and the taking of sworn written statements;

(C) obtaining information from other state or federal agencies, regulatory authorities, or self-regulatory organizations;

(D) requiring complainants or respondents to provide explanatory, clarifying, or supplemental information; and

(E) other lawful investigative methods SML considers appropriate.

(5) Closing the complaint after an investigation. When investigation and analysis of the complaint are complete, the complaint will be closed. SML will send written notice (closing notice) to the complainant and the respondent within 10 business days after the date the complaint is closed, except as provided by subparagraph (E) of this paragraph. The closing notice will include a general description of how the complaint was closed (disposition) but will not include the investigator's specific findings or other information obtained during the investigation that is made confidential by law. Common dispositions include:

(A) Litigation. The complaint involves facts and issues that are being litigated or arbitrated by the parties or have been determined by a judicial or arbitration decision.

(B) Resolution. The complaint is resolved by agreement of the parties or is resolved to the satisfaction of SML through corrective action taken by the respondent.

(C) No violation. SML has determined that no violation occurred.

(D) Insufficient evidence. SML has determined that there is insufficient evidence to establish that a violation occurred.

(E) Enforcement referral. SML has determined that there is sufficient evidence to establish that a violation occurred and the complaint is referred for an enforcement action. A respondent referred for an enforcement action will be notified through the enforcement action and does not receive a closing notice.

(6) Request for Reconsideration. A complainant who disagrees with the disposition of a complaint (including a complaint closed for lack of jurisdiction under paragraph (1) of this subsection or for lack of reasonable cause under paragraph (2) of this subsection) may request reconsideration within 60 days after the date the closing notice is sent. On receipt of a timely request, a senior investigator from the CRU (other than the investigator who made the initial determination) or a staff attorney will review the file and determine the disposition. The individual assigned to review the file may investigate the complaint further to determine the disposition. SML will send written notice to the complainant within 10 business days after the date the disposition is determined. The disposition determined as a result of a request for reconsideration under this subparagraph is considered final and may not be challenged further by the complainant.

(d) Limitations Period. A complaint must be submitted within four years after the date the alleged act or omission giving rise to the complaint occurred or should reasonably have been discovered by the complainant. A complaint submitted outside this period for which SML has jurisdiction will be closed for lack of reasonable cause under subsection (c)(2) of this section.

(e) Public Information. Complaints and inquiries submitted to SML are generally considered public information unless a specific statutory exception applies.

(f) Protecting the Complainant's Identity. At the request of the complainant, SML will take reasonable measures to protect the complainant's identity to the extent possible. However, complainants are cautioned that, as provided by subsections (c)(3) and (e) of this section, complaints are generally considered public information, and the respondent is generally given notice of and the opportunity to respond to the complaint. The information provided to the respondent may show or indicate the complainant's identity. If the complaint results in SML taking enforcement action that requires an administrative hearing or judicial proceeding, SML may be required to prove the violation using evidence that shows or indicates the complainant's identity.

(g) Prioritizing Complaints. SML will prioritize complaints to determine the order in which complaints are investigated, considering the seriousness of the allegations and the length of time a complaint has been open.

(h) Complaint Monitoring. SML will monitor how long each complaint is open and will make reasonable efforts to resolve a complaint within 120 days after the date the complaint is received. SML will notify the complainant of the status of his or her complaint at least quarterly until the complaint is closed unless doing so would jeopardize investigation of the complaint or an enforcement action

§51.5. Complaint Information.

(a) SML will maintain records of complaints received in accordance with its records retention policy.

(b) SML will report complaint activity to the Finance Commission of Texas at each of its regular meetings.

(c) SML will make information available on its website describing the processes and procedures in §51.4 of this title (relating to Processing Inquiries and Complaints).

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 April 27, 2025.

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Iain A. Berry

General Counsel

Department of Savings and Mortgage Lending

Earliest possible date of adoption: June 8, 2025

For further information, please call: (512) 475-1535



SUBCHAPTER B. HEARINGS AND APPEALS

7 TAC §51.100

Statutory Authority

This proposal is made under the authority of Government Code: §2001.004(1), requiring a state agency to adopt rules of practice stating the nature and requirements of all available formal and informal procedures; and §2009.051(c), authorizing a state agency to adopt alternative dispute resolution procedures by rule. This proposal is also made under the authority of, and to implement, Finance Code §§13.017, 66.107, 96.107, 156.209, 156.302, 156.303, 156.401, 156.406, 156.504, 157.009, 157.010, 157.017, 157.023, 157.024, 157.026, 157.031, 158.059, 158.105, 158.059, 159.301, and 180.202.

This proposal affects the statutes in Finance Code Title 3, Subtitles B and C; and Chapters 13, 156, 157, 158, 159, and 180.

§51.100. Appeals, Hearings, and Informal Settlement Conferences.

(a) Alternative Resolution of Appeal. If ~~[legal or enforcement staff determines]~~ an enforcement action is appealed, SML ~~[that has been appealed]~~ may resolve the matter ~~[be resolved without a hearing; legal or enforcement staff may pursue settlement]~~ through negotiation, mediation, agreed order, consent order, informal settlement conference, alternative dispute resolution, or other appropriate means.

(b) Informal Settlement Conferences. ~~[The Department may conduct an informal settlement conference in order to resolve an enforcement action that has been appealed.]~~ An individual or entity subject to an enforcement action may request an informal settlement conference. An informal settlement conference does not create any new rights or obligations. Informal settlement conferences:

(1) are conducted at the discretion of legal ~~and~~ ~~[or]~~ enforcement staff;

(2) may not be requested for purposes of delay ~~[used as a delay tactic]~~; and

(3) may be ~~[primarily]~~ conducted remotely, including ~~by~~ ~~[solely over the]~~ phone or videoconference~~[; or by email]~~.

(c) Mediation. SML ~~[As applicable under Finance Code §13.017, the Department]~~ may, at the discretion of the Commissioner or his or her designee, arrange for the services of a qualified mediator or subject matter expert to assist in resolving complaints or other matters.

(d) Hearings. Hearings are governed by the rules in ~~[may be conducted in accordance with]~~ Chapter 9 of this title (relating to Rules of Procedure for Contested Case Hearings, Appeals, and Rulemakings)~~]; with Texas Government Code Chapter 2001, and may be conducted by the State Office of Administrative Hearings (SOAH)].~~ Cases

referred to the State Office of Administrative Hearings (SOAH) are also governed by SOAH's rules in 1 TAC Chapter 155 (concerning Rules of Procedure). All hearings are held in Austin, Texas. An appeal for judicial review under Government Code §2001.171 must be brought in a district court in Travis County, Texas.

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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Iain A. Berry

General Counsel

Department of Savings and Mortgage Lending

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For further information, please call: (512) 475-1535



SUBCHAPTER C. ADVISORY COMMITTEES

7 TAC §51.200

Statutory Authority

This proposal is made under the authority of Government Code §2110.008, authorizing a state agency that has established an advisory committee to designate, by rule, the date on which the committee will be automatically abolished. This proposal is also made under the authority of, and to implement, Finance Code §13.018.

This proposal affects Finance Code §13.018.

§51.200. Advisory Committees [and Informal Conferences].

~~[(a)]~~ The following advisory committees created under Finance Code §13.018 are continued ~~[Advisory Committees. The mortgage industry advisory committee referenced in Finance Code §§156.104 and 157.0024, as well as any advisory committees which may be created under Finance Code §13.018, shall continue]~~ in existence, and unless continued further, are ~~[shall be]~~ automatically abolished on September 1, 2030: ~~[2031-]~~

(1) the mortgage grant advisory committee under §52.5 of this title (relating to Mortgage Grant Advisory Committee); and

(2) any other advisory committee created under Finance Code §13.018 that exists at the time this rule is adopted.

~~[(b) Informal Conferences. The Commissioner, in addition to obtaining evidence and guidance from an advisory committee, may use informal conferences and consultations with other interested persons to obtain advice and guidance, and assist the Commissioner in carrying out his or her duties.]~~

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

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

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Iain A. Berry

General Counsel

Department of Savings and Mortgage Lending

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For further information, please call: (512) 475-1535

◆ ◆ ◆
SUBCHAPTER D. RECOVERY FUND

7 TAC §§51.300 - 51.304

Statutory Authority

This proposal is made under the authority of: Government Code §2001.004(1), requiring a state agency to adopt rules of practice stating the nature and requirements of all available formal and informal procedures; Finance Code §156.102(a), authorizing the commission to adopt and enforce rules necessary for the intent of or to ensure compliance with Finance Code Chapter 156, the Residential Mortgage Loan Company Licensing Act; and Finance Code §156.102(b-1), authorizing the commission to adopt rules to promote the fair and orderly administration of the recovery fund under Finance Code Chapter 156, Subchapter F, Recovery Fund. This proposal is also made under the authority of, and to implement, Finance Code: §§13.016, 156.504, 157.023, and 157.024.

This proposal affects the statutes in Finance Code Chapter 156, Subchapter F.

§51.300. Purpose and Applicability.

§51.301. Definitions.

§51.302. Claims.

§51.303. Administrative Penalty Against Originator.

§51.304. Liability for Unpaid Claims.

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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Iain A. Berry

General Counsel

Department of Savings and Mortgage Lending

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For further information, please call: (512) 475-1535

◆ ◆ ◆
SUBCHAPTER E. MORTGAGE GRANT FUND

7 TAC §§51.400 - 51.405

Statutory Authority

This proposal is made under the authority of: Government Code §2001.004(1), requiring a state agency to adopt rules of practice stating the nature and requirements of all available formal and informal procedures; Finance Code §156.102(a), authorizing the commission to adopt and enforce rules necessary for the intent of or to ensure compliance with Finance Code Chapter 156, the Residential Mortgage Loan Company Licensing Act; and Finance Code §156.556, authorizing the commission to adopt rules to administer Finance Code Chapter 156, Subchapter G, Mortgage Grant Fund, including rules to: (i) ensure that a grant awarded from the mortgage grant fund, administered by the department's commissioner under Finance Code Chapter G, is used for a public purpose; and (ii) provide a means of recovering money awarded from the mortgage grant fund that is not used for a public purpose.

This proposal affects the statutes in Finance Code Chapter 156, Subchapter G.

§51.400. Purpose and Applicability.

§51.401. Definitions.

§51.402. Commissioner as Manager.

§51.403. Grant Coordinator.

§51.404. Mortgage Grant Advisory Committee.

§51.405. Grant Program.

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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Iain A. Berry

General Counsel

Department of Savings and Mortgage Lending

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For further information, please call: (512) 475-1535

◆ ◆ ◆
**SUBCHAPTER F. MORTGAGE GRANT FUND:
RECOVERY CLAIMS FOR UNLICENSED
ACTIVITY**

7 TAC §§51.500 - 51.506

Statutory Authority

This proposal is made under the authority of: Government Code §2001.004(1), requiring a state agency to adopt rules of practice stating the nature and requirements of all available formal and informal procedures; Finance Code §156.102(a), authorizing the commission to adopt and enforce rules necessary for the intent of or to ensure compliance with Finance Code Chapter 156, the Residential Mortgage Loan Company Licensing Act; and Finance Code §156.556, authorizing the commission to adopt rules to administer Finance Code Chapter 156, Subchapter G, Mortgage Grant Fund. This proposal is also made under the authority of, and to implement, Finance Code: §§156.555, 157.023, 157.031.

This proposal affects the statutes in Finance Code Chapter 156, Subchapter G.

§51.500. Purpose and Applicability.

§51.501. Definitions.

§51.502. Claims.

§51.503. Consequences for Unlicensed Individual.

§51.504. Liability for Unpaid Claims.

§51.505. Eligibility.

§51.506. Statute of Limitations at Inception.

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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Iain A. Berry

General Counsel

Department of Savings and Mortgage Lending

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For further information, please call: (512) 475-1535

CHAPTER 52. MORTGAGE GRANT FUND

7 TAC §§52.1 - 52.6

The Finance Commission of Texas (commission), on behalf of the Department of Savings and Mortgage Lending (SML), proposes new rules in Chapter 52: §§52.1 - 52.6 (proposed rules).

Explanation of and Justification for the Rules

The proposed rules are the product of SML's rule review of 7 TAC Chapter 51, Department Administration, conducted in accordance with Government Code §2001.039. The existing rules in Chapter 51 establish various requirements concerning SML's administrative processes and procedures.

Changes Concerning the Reorganization of Chapter 51

SML has determined it should reorganize its rules in 7 TAC Chapter 51 by relocating the existing rules in Subchapter E, Mortgage Grant Fund, to Chapter 52, a vacant chapter. The proposed rules, if adopted, would effectuate this change.

Changes Concerning the Mortgage Grant Fund

The existing rules in Chapter 51, Subchapter E, Mortgage Grant Fund, govern SML's administration of the mortgage grant fund under Finance Code Chapter 156, Subchapter G, which provides grants for financial education relating to mortgage loans. The proposed rules: in §52.2, Definitions, adopt a new definition for "SML" and eliminate the definition for "Department"; in §52.4, Grant Coordinator, clarify that the SML commissioner may designate one or more SML employees to act on behalf of the grant coordinator when the grant coordinator is not available, and clarify that the grant coordinator may appear at hearings and judicial proceedings related to the mortgage grant fund; in §52.6, Grant Program, remove provisions related to disbursements from the mortgage grant fund made for the purpose of Finance Code §156.554(b)(3) as being unrelated to the grant program that is the subject of the rule, clarify that a political subdivision of this state is eligible to receive a grant, and clarify that a residential mortgage loan servicer registered with SML that is a nonprofit organization is eligible to receive a grant, and eliminate the requirement for grantees to make a longitudinal report after the grant cycle is completed.

Other Modernization and Update Changes

The proposed rules, if adopted, would make changes to modernize and update the rules including: adding and replacing language for clarity and to improve readability; removing unnecessary or duplicative provisions; and updating terminology.

Fiscal Impact on State and Local Government

Antonia Antov, Director of Operations for SML, has determined that for the first five-year period the proposed rules are in effect there are no foreseeable increases or reductions in costs to local governments as a result of enforcing or administering the proposed rules. Antonia Antov has further determined that for the first five-year period the proposed rules are in effect there are no foreseeable losses or increases in revenue to local governments as a result of enforcing or administering the proposed rules. Antonia Antov has further determined that for the first five-year period the proposed rules are in effect there are no foreseeable increases or reductions in costs or losses or increases in revenue to the state overall that would impact the state's general revenue fund as a result of enforcing or administering the proposed rules.

Implementation of the proposed rules will not require an increase or decrease in future legislative appropriations to SML because SML is a self-directed, semi-independent agency that does not receive legislative appropriations. The proposed rules will not result in losses or increases in revenue to the state because SML does not contribute to the state's general revenue fund.

Public Benefits

Hector Retta, the SML Commissioner, has determined that for each of the first five years the proposed rules are in effect, the public benefit anticipated as a result of enforcing or administering the proposed rules will be for members of the public to better understand SML's administrative processes and procedures.

Probable Economic Costs to Persons Required to Comply with the Proposed Rules

Hector Retta has determined that for the first five years the proposed rules are in effect there are no probable economic costs to persons required to comply with the proposed rules that are directly attributable to the proposed rules for purposes of the cost note required by Government Code §2001.024(a)(5) (direct costs).

One-for-One Rule Analysis

Pursuant to Finance Code §16.002, SML is a self-directed semi-independent agency and thus not subject to the requirements of Government Code §2001.0045.

Government Growth Impact Statement

For each of the first five years the proposed rules are in effect, SML has determined the following: (1) the proposed rules do not create or eliminate a government program; (2) implementation of the proposed rules does not require the creation of new employee positions or the elimination of existing employee positions; (3) implementation of the proposed rules does not require an increase or decrease in legislative appropriations to the agency; (4) the proposed rules do not require an increase or decrease in fees paid to the agency; (5) the proposed rules do create a new regulation (rule requirement). The proposed rules related to Changes Concerning the Mortgage Grant Fund establish various rule requirements, as discussed in that section; (6) the proposed rules do expand, limit, or repeal an existing regulation (rule requirement). The proposed rules related to Changes Concerning the Mortgage Grant Fund have the effect of repealing existing rule requirements as discussed in such section; (7) the proposed rules do not increase or decrease the number of individuals subject to the rules' applicability; and (8) the proposed rules do not positively or adversely affect this state's economy.

Local Employment Impact Statement

No local economies are substantially affected by the proposed rules. As a result, preparation of a local employment impact statement pursuant to Government Code §2001.022 is not required.

Fiscal Impact on Small and Micro-Businesses and Rural Communities

The proposed rules will not have an adverse effect on small or micro-businesses, or rural communities because there are no probable economic costs anticipated to persons required to comply with the proposed rules. As a result, preparation of an economic impact statement and a regulatory flexibility analysis as provided by Government Code §2006.002 are not required.

Takings Impact Assessment

There are no private real property interests affected by the proposed rules. As a result, preparation of a takings impact assessment as provided by Government Code §2007.043 is not required.

Public Comments

Written comments regarding the proposed rules may be submitted by mail to Iain A. Berry, General Counsel, at 2601 North Lamar Blvd., Suite 201, Austin, Texas 78705-4294, or by email to rules.comments@sml.texas.gov. Comments must be received within 30 days after publication of this notice.

Statutory Authority

This proposal is made under the authority of: Government Code §2001.004(1), requiring a state agency to adopt rules of practice stating the nature and requirements of all available formal and informal procedures; Finance Code §156.102(a), authorizing the commission to adopt and enforce rules necessary for the intent of or to ensure compliance with Finance Code Chapter 156, the Residential Mortgage Loan Company Licensing Act; and Finance Code §156.556, authorizing the commission to adopt rules to administer Finance Code Chapter 156, Subchapter G, Mortgage Grant Fund, including rules to: (i) ensure that a grant awarded from the mortgage grant fund under Finance Code Chapter G, is used for a public purpose; and (ii) provide a means of recovering money awarded from the mortgage grant fund that is not used for a public purpose.

This proposal affects the statutes in Finance Code Chapter 156, Subchapter G.

§52.1. Purpose.

This chapter governs SML's administration of the Mortgage Grant Fund under Finance Code Chapter 156, Subchapter G other than claims made against the Mortgage Grant Fund in accordance with Finance Code §156.555 which are governed by Chapter 53 of this title (relating to Recovery Claims).

§52.2. Definitions.

In this chapter, the following definitions apply, unless the context clearly indicates otherwise:

(1) "Auxiliary mortgage loan activity company" has the meaning assigned by Finance Code §156.002.

(2) "Commissioner" means the savings and mortgage lending commissioner appointed under Finance Code Chapter 13.

(3) "Finance Commission" means the Finance Commission of Texas.

(4) "Grant Coordinator" means the employee of SML that assists the Commissioner in discharging his or her duties related to the Mortgage Grant Fund, as provided by §52.4 of this title (relating to Grant Coordinator).

(5) "Mortgage Grant Advisory Committee" or "MGAC" means the Mortgage Grant Advisory Committee created to advise the Commissioner concerning administration of the MGF grant program, as provided by §52.5 of this title (relating to Mortgage Grant Advisory Committee).

(6) "Mortgage Grant Administration Manual" or "MGAM" means the manual of the policies and procedures governing administration of the MGF and the MGF grant program, as provided by §52.3 of this title (relating to Management by the Commissioner).

(7) "Mortgage Grant Fund" or "MGF" means the fund the Commissioner administers under Finance Code Chapter 156, Subchapter G.

(8) "SML" means the Department of Savings and Mortgage Lending.

§52.3. Management by the Commissioner.

(a) Management by the Commissioner. As provided by Finance Code §156.553, the Commissioner serves as manager and administers all aspects of the MGF.

(b) Periodic Reports to the Finance Commission. The Commissioner or Grant Coordinator will report the status and activities of the MGF to the audit committee of the Finance Commission at each regular meeting of the committee, or as directed by the Finance Commission.

(c) Mortgage Grant Administration Manual. The Commissioner maintains a manual of the policies and procedures governing administration of the MGF and the MGF grant program. The MGAM, and any amendments to the MGAM, must be approved by the Finance Commission.

§52.4. Grant Coordinator.

The Commissioner may appoint an employee of SML to serve as Grant Coordinator to assist the Commissioner in discharging his or her duties related to the MGF. The Commissioner may designate one or more SML employees to act on behalf of the Grant Coordinator when the Grant Coordinator is not available. The Grant Coordinator serves under the direction of the Commissioner and acts as liaison between grantees, the Commissioner, and the MGAC. The Commissioner may delegate any authority of the Commissioner to act as manager of the MGF to the Grant Coordinator, including any duties listed under Finance Code §156.553(a).

§52.5. Mortgage Grant Advisory Committee.

(a) Purpose. The MGAC exists as an advisory committee to make recommendations to the Commissioner and Grant Coordinator concerning administration of the MGF grant program. The MGAC will continue in existence until the abolishment date set by §51.200 of this title (relating to Advisory Committees).

(b) Governance. The MGAC is governed by the MGAM.

(c) Advisory Role of the MGAC. The MGAC, at the request of the Commissioner, makes recommendations concerning administration of the MGF grant program including:

(1) evaluating grant applications to determine whether the application should be approved, and the amount of the grant award;

(2) monitoring ongoing grant awards to evaluate performance and determine compliance;

(3) considering potential amendments to the MGAM; and

(4) evaluating potential candidates for appointment to the MGAC.

§52.6. Grant Program.

(a) Purpose. This section governs disbursements made from the MGF to provide grants for financial education relating to mortgage loans, as provided by Finance Code §156.554(b)(1).

(b) Grant Cycle. The fund may have one competitive grant cycle every two years. A new grant cycle begins on January 1 of every odd-numbered year. An applicant may choose to apply for a one-year

grant or a two-year grant. The grant cycle for a one-year grant begins on January 1 and ends on December 31 of the odd-numbered year for the applicable cycle. The grant cycle for a two-year grant begins on January 1 of the odd-numbered year and ends on December 31 of the following even-numbered year for the applicable cycle.

(c) Eligibility. A grant may only be given to a company licensed by SML as an auxiliary mortgage loan activity company, a nonprofit organization, or a political subdivision of this state. Grant funding is not available to entities licensed by or registered with SML other than auxiliary mortgage loan activity companies and residential mortgage loan servicers that operate as a nonprofit organization.

(d) Grant Application. To be considered for the grant program, an applicant must submit a completed grant application by the deadline and in accordance with the instructions for the applicable grant cycle. Late or incomplete grant applications will not be accepted. Meeting eligibility criteria and timely submission of a grant application does not guarantee a grant award.

(e) Review and Approval. The Commissioner, after considering the recommendations of the MGAC and the Grant Coordinator, will review timely and complete applications and determine the grants awarded.

(f) Grant Agreement. To participate in the grant program, a grantee approved by the Commissioner to receive a grant must execute the grant agreement approved by the Commissioner for the applicable grant cycle and tailored to that grantee (grant agreement).

(g) Grantee Compliance. A grantee must comply with applicable financial, administrative, and programmatic terms and conditions, and exercise proper stewardship over grant funds. A grantee must use awarded funds in compliance with the following in effect for the applicable grant cycle:

- (1) all applicable state laws and regulations;
- (2) all applicable federal laws and regulations;
- (3) the MGAM;
- (4) the grant agreement signed by the Commissioner or the Commissioner's designee and the grantee;
- (5) all reporting and monitoring requirements, as outlined in the grant agreement; and
- (6) any other guidance documents posted on the MGF webpage for the applicable grant cycle.

(h) Reporting and Monitoring.

(1) General reporting requirements. To receive reimbursement of grant expenses a grantee must:

(A) submit periodic grant reports as provided by the grant agreement;

(B) maintain satisfactory compliance with the grant agreement including the grantee's goals approved for funding in the grant agreement; and

(C) identify, track, and report performance measures.

(2) Progress Reports. A grantee must submit progress reports that demonstrate performance outcomes over the term of the grant in accordance with and by the deadlines specified in the grant agreement.

(3) Monitoring. The Grant Coordinator may use the following methods to monitor a grantee's performance and expenditures:

(A) Audit. The Commissioner or Grant Coordinator may audit a grantee to review and compare individual source documentation and materials to summary data provided during the reporting process; or

(B) Site Visits. The Commissioner or Grant Coordinator may visit a grantee's place of business or other place where grant activities are conducted to evaluate performance and determine compliance.

(i) Reimbursement.

(1) Eligibility. To be eligible for reimbursement, a grantee must comply with the grant agreement and all other items listed in subsection (g) of this section. To ensure that grant funds are used for a public purpose as provided by Finance Code §156.556(1), grant funds will only be awarded on a cost reimbursement basis for actual, allowable, and allocable costs incurred by a grantee pursuant to the grant agreement. Expenses incurred before the beginning of or after termination of the grant agreement are not eligible for reimbursement. The Commissioner may withhold reimbursements when a grantee is not in compliance with the grant agreement or other items listed in subsection (g) of this section.

(2) Procedure. To request reimbursement, a grantee must submit a progress report and reimbursement request in accordance with and by the deadlines specified in the grant agreement. The progress report and reimbursement request must be made using the current forms prescribed by the Commissioner for the applicable grant cycle. The progress report must be detailed and include supporting documentation to justify the reimbursement request. SML will review and approve requests for reimbursement that satisfy the requirements and promptly disburse funds for approved requests.

(j) Misuse of Grant Funds. The Commissioner may require a refund of grant funds already disbursed to the grantee and may cancel the grant agreement or disqualify the grantee from receiving future grants if:

(1) grant funds are not used for a public purpose allowable under Finance Code §156.554(b)(1);

(2) grant funds are used in an illegal manner;

(3) the grantee violates the grant agreement or other items listed in subsection (g) of this section; or

(4) the Commissioner determines that the grantee made a material misrepresentation in obtaining the grant or in seeking reimbursement of grant funds.

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 April 27, 2025.

TRD-202501379

Iain A. Berry

General Counsel

Department of Savings and Mortgage Lending

Earliest possible date of adoption: June 8, 2025

For further information, please call: (512) 475-1535



CHAPTER 53. RECOVERY CLAIMS

7 TAC §§53.1 - 53.12

The Finance Commission of Texas (commission), on behalf of the Department of Savings and Mortgage Lending (SML), proposes new rules in Chapter 53: §§53.1 - 53.12 (proposed rules).

Explanation of and Justification for the Rules

The proposed rules are the product of SML's rule review of 7 TAC Chapter 51, Department Administration, conducted in accordance with Government Code §2001.039. The existing rules in Chapter 51 establish various requirements concerning SML's administrative processes and procedures.

Changes Concerning the Reorganization of Chapter 51

SML has determined it should reorganize its rules in 7 TAC Chapter 51 by relocating the existing rules in Subchapter D, Recovery Fund, and Subchapter F, Mortgage Grant Fund: Recovery Claims for Unlicensed Activity, to Chapter 53, a vacant chapter. The proposed rules, if adopted, would effectuate this change.

Changes Concerning Recovery Claims

The existing rules in Chapter 51, Subchapter D, Recovery Fund, govern SML's administration of Finance Code §13.016 and Chapter 156, Subchapter F, Recovery Fund, which creates a recovery fund that allows for claims to compensate persons for actual, out-of-pocket damages incurred because of violations committed by an individual licensed by SML as a residential mortgage loan originator under Finance Code Chapter 157. The existing rules in Chapter 51, Subchapter F, Mortgage Grant Fund: Recovery Claims for Unlicensed Activity, govern SML's administration of Finance Code §156.555, allowing for claims to be made against the Mortgage Grant Fund created under Finance Code Chapter 156, Subchapter G, Mortgage Grant Fund, to compensate persons for actual, out-of-pocket damages incurred because of fraud committed by an individual who acted as a residential mortgage loan originator but did not hold a residential mortgage loan originator license under Finance Code Chapter 157. The proposed rules: in §53.2, Definitions, adopt new definitions for "Consumer Responsiveness Unit," "recovery claim," and "SML," and eliminate the definition for "Department"; in §53.3, Submitting a Claim, clarify where a claim application should be sent, clarify that, if a claimant submits a scanned copy of the claim application, the claimant must maintain the original application and send it by mail to SML on request, and clarify that a claim application that is incomplete may be deemed withdrawn after notice is sent to the claimant and the claimant fails to provide the additional information within 30 days; in §53.4, Investigating the Claim, clarify that claims are generally investigated in the same manner as a complaint, and that, if the claim relates a pending complaint, the investigator may investigate the claim and the complaint simultaneously, and, if the claim relates to a closed complaint, the investigator may adopt the findings of that complaint investigation; in §53.5, Resolution by Agreement, clarify where notice to SML of a claim being resolved by the parties should be sent, and that, upon resolution of a claim by the parties, SML may consider the claim withdrawn or hold the claim in abatement pending satisfaction of the agreement; in §53.6, Preliminary Determination; Requests for Appeal, clarify where an appeal of SML's preliminary determination of the claim should be sent; in §53.7, Administrative Hearings, clarify that, at an administrative hearing on a recovery claim, SML will present its preliminary determination and then allow the claimant to present their claim and the respondent to contest or defend against the claim, and clarify that the claimant has the burden of proving they are entitled to recovery; in

§53.12, Recoverable Damages, clarify the types of damages that a claimant may recover.

Other Modernization and Update Changes

The proposed rules, if adopted, would make changes to modernize and update the rules including: adding and replacing language for clarity and to improve readability; removing unnecessary or duplicative provisions; and updating terminology.

Fiscal Impact on State and Local Government

Antonia Antov, Director of Operations for SML, has determined that for the first five-year period the proposed rules are in effect there are no foreseeable increases or reductions in costs to local governments as a result of enforcing or administering the proposed rules. Antonia Antov has further determined that for the first five-year period the proposed rules are in effect there are no foreseeable losses or increases in revenue to local governments as a result of enforcing or administering the proposed rules. Antonia Antov has further determined that for the first five-year period the proposed rules are in effect there are no foreseeable increases or reductions in costs or losses or increases in revenue to the state overall that would impact the state's general revenue fund as a result of enforcing or administering the proposed rules. Implementation of the proposed rules will not require an increase or decrease in future legislative appropriations to SML because SML is a self-directed, semi-independent agency that does not receive legislative appropriations. The proposed rules will not result in losses or increases in revenue to the state because SML does not contribute to the state's general revenue fund.

Public Benefits

Hector Retta, the SML Commissioner, has determined that for each of the first five years the proposed rules are in effect, the public benefit anticipated as a result of enforcing or administering the proposed rules will be for members of the public to better understand SML's administrative processes and procedures.

Probable Economic Costs to Persons Required to Comply with the Proposed Rules

Hector Retta has determined that for the first five years the proposed rules are in effect there are no probable economic costs to persons required to comply with the proposed rules that are directly attributable to the proposed rules for purposes of the cost note required by Government Code §2001.024(a)(5) (direct costs).

One-for-One Rule Analysis

Pursuant to Finance Code §16.002, SML is a self-directed semi-independent agency and thus not subject to the requirements of Government Code §2001.0045.

Government Growth Impact Statement

For each of the first five years the proposed rules are in effect, SML has determined the following: (1) the proposed rules do not create or eliminate a government program; (2) implementation of the proposed rules does not require the creation of new employee positions or the elimination of existing employee positions; (3) implementation of the proposed rules does not require an increase or decrease in legislative appropriations to the agency; (4) the proposed rules do not require an increase or decrease in fees paid to the agency; (5) the proposed rules do create a new regulation (rule requirement). The proposed rules related to Changes Concerning Recovery Claims establish various rule requirements, as discussed in that section; (6) the proposed

rules do not expand, limit, or repeal an existing regulation (rule requirement); (7) the proposed rules do not increase or decrease the number of individuals subject to the rules' applicability; and (8) the proposed rules do not positively or adversely affect this state's economy.

Local Employment Impact Statement

No local economies are substantially affected by the proposed rules. As a result, preparation of a local employment impact statement pursuant to Government Code §2001.022 is not required.

Fiscal Impact on Small and Micro-Businesses and Rural Communities

The proposed rules will not have an adverse effect on small or micro-businesses, or rural communities because there are no probable economic costs anticipated to persons required to comply with the proposed rules. As a result, preparation of an economic impact statement and a regulatory flexibility analysis as provided by Government Code §2006.002 are not required.

Takings Impact Assessment

There are no private real property interests affected by the proposed rules. As a result, preparation of a takings impact assessment as provided by Government Code §2007.043 is not required.

Public Comments

Written comments regarding the proposed rules may be submitted by mail to Iain A. Berry, General Counsel, at 2601 North Lamar Blvd., Suite 201, Austin, Texas 78705-4294, or by email to rules.comments@sml.texas.gov. Comments must be received within 30 days after publication of this notice.

Statutory Authority

This proposal is made under the authority of: Government Code §2001.004(1), requiring a state agency to adopt rules of practice stating the nature and requirements of all available formal and informal procedures; Finance Code §156.102(a), authorizing the commission to adopt and enforce rules necessary for the intent of or to ensure compliance with Finance Code Chapter 156, the Residential Mortgage Loan Company Licensing Act; Finance Code §156.102(b-1), authorizing the commission to adopt rules to promote the fair and orderly administration of the recovery fund under Finance Code Chapter 156, Subchapter F, Recovery Fund; and Finance Code §156.556, authorizing the commission to adopt rules to administer Finance Code Chapter 156, Subchapter G, Mortgage Grant Fund. This proposal is also made under the authority of, and to implement, Finance Code: §§13.016, 156.504, 156.555, 157.023, 157.024, and 157.031.

This proposal affects the statutes in Finance Code Chapter 156, Subchapters F and G.

§53.1. Purpose.

This chapter governs SML's administration of:

(1) Finance Code §13.016 and Chapter 156, Subchapter F, creating a recovery fund that allows for claims to compensate persons for actual, out-of-pocket damages incurred because of violations committed by an individual licensed by SML as a residential mortgage loan originator under Finance Code Chapter 157; and

(2) Finance Code §156.555, allowing for claims to be made against the Mortgage Grant Fund created under Finance Code Chapter 156, Subchapter G, to compensate persons for actual, out-of-pocket

damages incurred because of fraud committed by an individual who acted as a residential mortgage loan originator but did not hold a residential mortgage loan originator license under Finance Code Chapter 157.

§53.2. Definitions.

In this chapter, the following definitions apply, unless the context clearly indicates otherwise.

(1) "Application" means a request, in any form, for an offer (or a response to a solicitation of an offer) of residential mortgage loan terms, and the information about the mortgage applicant that is customary or necessary in a decision on whether to make such an offer, including, but not limited to, a mortgage applicant's name, income, social security number to obtain a credit report, property address, an estimate of the value of the real estate, or the mortgage loan amount.

(2) "Claimant" means a mortgage applicant making or seeking to make a claim against the recovery fund in accordance with Finance Code §156.504 or against the Mortgage Grant Fund in accordance with Finance Code §156.555.

(3) "Commissioner" means the savings and mortgage lending commissioner appointed under Finance Code Chapter 13.

(4) "Consumer Responsiveness Unit" or "CRU" means the section or unit within SML that receives inquiries and complaints from consumers and investigates complaints.

(5) "Mortgage applicant" means an applicant for a residential mortgage loan or a person who is solicited (or contacts a residential mortgage loan originator in response to a solicitation) to obtain a residential mortgage loan, and includes a person who has not completed or started completing a formal loan application on the appropriate form (e.g., the Fannie Mae Form 1003 Uniform Residential Loan Application), but has submitted financial information constituting an application, as provided by paragraph (1) of this section.

(6) "Mortgage Grant Fund" means the fund the Commissioner administers in accordance with Finance Code Chapter 156, Subchapter G.

(7) "Recovery claim" or "claim" means a claim made against the recovery fund in accordance with Finance Code §156.504 or against the Mortgage Grant Fund in accordance with Finance Code §156.555.

(8) "Recovery fund" means the fund the Commissioner administers in accordance with Finance Code §13.016 and Chapter 156, Subchapter F.

(9) "Residential mortgage loan" has the meaning assigned by Finance Code §180.002 and includes new loans and renewals, extensions, modifications, and rearrangements of such loans. The term does not include a loan which is secured by a structure that is suitable for occupancy as a dwelling, but is used for a commercial purpose such as a professional office, salon, or other non-residential use, and is not used as residence.

(10) "Respondent" means an individual against whom a recovery claim is made.

(11) "SML" means the Department of Savings and Mortgage Lending.

§53.3. Submitting a Claim.

(a) Application Required. A claimant submits a claim by filing a written application using the current form prescribed by the Commissioner and posted on SML's website (sml.texas.gov). The application may be sent by mail (Attn: Consumer Responsiveness Unit, 2601

N. Lamar Blvd., Suite 201, Austin, Texas 78705) or by email (complaintsubmission@sml.texas.gov). If sent by email, the claimant must include a quality, scanned version of the completed application, and must maintain the original application throughout the claims process and send it to SML by mail on request.

(b) Incomplete Filings; Deemed Withdrawal. An application will only be accepted for filing if it is complete. If an application is incomplete, SML will send written notice to the claimant specifying the additional information required to render the application complete. The application may be deemed withdrawn if the claimant fails to provide the additional information within 30 days after the date written notice is sent to the claimant as provided by this subsection. Among other things, the application must:

- (1) be verified and sworn under oath before a notary;
- (2) identify a valid respondent; and

(3) identify actual, out-of-pocket damages meeting the requirements of §53.12 of this title (relating to Recoverable Damages).

§53.4. Investigating the Claim.

When a claim is accepted for filing, it will be assigned to an investigator within the CRU to conduct an investigation. Claims are generally investigated in the same manner as a complaint under §51.4 of this title (relating to Processing Inquiries and Complaints). If the claim relates to a pending complaint, the investigator may investigate the two simultaneously. If the claim relates to a closed complaint, the investigator may adopt the findings of that investigation instead of or in addition to investigating the claim.

§53.5. Resolution by Agreement.

The respondent and the claimant may resolve the claim by agreement at any time. If an agreement is reached, the parties must promptly send written notice to SML by mail (Attn: Legal Division, 2601 N. Lamar Blvd., Suite 201, Austin, Texas 78705) or by email (enforcement@sml.texas.gov). If an agreement is reached, SML may, in its sole discretion, consider the claim withdrawn or hold the claim in abatement pending satisfaction of the agreement. If held in abatement, the claim is deemed withdrawn upon satisfaction of the agreement.

§53.6. Preliminary Determination; Requests for Appeal.

(a) Preliminary Determination. After the claim is investigated, the claim will be referred to SML's legal and enforcement section to issue a preliminary determination.

(b) Requests for Appeal. The respondent or the claimant has 30 days to appeal the preliminary determination. An appeal must be in writing and received by SML within 30 days after the date the preliminary determination is issued. An appeal may be sent by mail (Attn: Legal Division, 2601 N. Lamar Blvd., Suite 201, Austin, Texas 78705) or by email (enforcement@sml.texas.gov).

(c) Effect of Not Appealing. A respondent or claimant who does not timely appeal the preliminary determination is deemed to have irrevocably waived any right they had to challenge the preliminary determination or request a hearing on the preliminary determination and is deemed not to have exhausted all administrative remedies for purposes of judicial review under Government Code §2001.171.

§53.7. Administrative Hearings.

(a) If an appeal is requested under §53.6 of this title (relating to Preliminary Determination; Requests for Appeal), SML will cause an administrative hearing to be set. The hearing is governed by §51.100 of this title (relating to Appeals, Hearings, and Informal Settlement Conferences). At the hearing, SML will present its preliminary determination issued under §53.6 of this title. The claimant will then have

the opportunity to present their claim, and the respondent will have the opportunity to contest or defend against the claim.

(b) The claimant has the burden of proving they are entitled to recovery. The burden of proof is by a preponderance of the evidence.

§53.8. Payment of an Approved Claim.

(a) Payment of an Approved Claim. Upon approval of a claim, the Commissioner will issue an order disbursing funds from the recovery fund or the Mortgage Grant Fund, as applicable. The funds will be disbursed after the date on which the order becomes final and is not appealable for purposes of:

(1) Finance Code §156.504(d), if a hearing is not required under §53.7 of this title (relating to Administrative Hearings); or

(2) Government Code Chapter 2001, if a hearing is required under §53.7 of this title.

(b) Cooperation by Claimant Required. The claimant must comply with SML's instructions for facilitating payment of an approved claim. Among other things, the claimant must complete forms required to cause the claimant to be a valid payee for purposes of the Texas Comptroller of Public Accounts.

§53.9. Consequences for the Respondent.

(a) Administrative Penalty. If the Commissioner approves a claim, the Commissioner may impose an administrative penalty against the respondent for the violations of law giving rise to the claim.

(b) Grounds for Denial. Failure by the respondent to pay the administrative penalty constitutes grounds for denial of an application for a residential mortgage loan originator license under Finance Code Chapter 157.

§53.10. Unpaid Claims.

(a) No Liability. The recovery fund, Mortgage Grant Fund, the Commissioner, and SML are not liable to a claimant for a claim approved by the Commissioner if the funds in the recovery fund or Mortgage Grant Fund are insufficient to pay the claim.

(b) Payment of Unpaid Claims. If the recovery fund or Mortgage Grant Fund contains insufficient funds to pay a claim, SML will:

(1) record the date the claim was approved; and

(2) pay approved but unpaid claims for which a recordation was made under paragraph (1) of this subsection as funds in the recovery fund or Mortgage Grant Fund become available, in the order of the recorded date of such claims.

§53.11. Claims for Unlicensed Activity: Eligibility.

(a) Purpose. Finance Code §156.555(b) adopts by reference the eligibility and procedural requirements for making a claim on the recovery fund in accordance with Finance Code Chapter 156, Subchapter F. This section clarifies how certain requirements apply to a claim made against the Mortgage Grant Fund in accordance with Finance Code §156.555.

(b) Actions by an Unlicensed Individual Acting as an Originator. For a claimant to recover damages from the Mortgage Grant Fund, the respondent must have been acting or attempting to act in the capacity of a residential mortgage loan originator - actions for which a license under Finance Code Chapter 157 is required as provided by Finance Code §157.012 and §55.100 of this title (relating to Licensing Requirements).

(c) Fraudulent Acts. Recovery under Finance Code §156.555 is limited to acts of fraud committed by an individual who acted as a residential mortgage loan originator but did not hold the license required

by Finance Code Chapter 157. Finance Code §156.501(b), applicable to claims made on the recovery fund, provides that recovery is limited to acts by a licensed residential mortgage loan originator that constitute a violation of specific, enumerated provisions of Finance Code §§157.024(a) and 156.304(b). As a result, to recover under Finance Code §156.555, a claimant must establish that the acts of the unlicensed individual would have constituted fraudulent dealings for purposes of Finance Code §157.024(a)(3), had he or she been licensed as a residential mortgage loan originator at the time of such acts.

§53.12. Recoverable Damages.

(a) Recoverable Damages. A claimant may only recover out-of-pocket monetary damages that reimburse the claimant for money they have actually lost (money losses). To be recoverable, the damages must be direct damages (also known as general damages) that are caused by and directly related to the respondent's actions and therefore conclusively presumed to have been foreseeable by the respondent as a usual and necessary consequence of the respondent's actions.

(1) Recoverable damages can include the following expenses typically incurred by a mortgage applicant in connection with a residential mortgage loan, if they are paid by the claimant:

- (A) application fees;
- (B) appraisal fees;
- (C) rate lock fees;
- (D) origination fees;
- (E) loan processing fees; and

(F) other fees for settlement services collected from the borrower when a residential mortgage loan is closed.

(2) Recoverable damages can include the following expenses typically incurred by a mortgage applicant in a real estate transaction directly related to a residential mortgage loan, if they are paid by the claimant:

- (A) option fees;
- (B) earnest money;
- (C) home inspection fees; and
- (D) home warranty fees.

(b) Damages Not Recoverable. A claimant may not recover consequential damages (also known as special damages), future damages, or noneconomic damages.

(1) Noneconomic damages that are not recoverable include, but are not limited to:

- (A) compensation for physical pain and suffering;
- (B) mental or emotional pain and anguish;
- (C) loss of consortium;
- (D) disfigurement;
- (E) physical impairment;
- (F) loss of companionship and society;
- (G) inconvenience;
- (H) loss of enjoyment of life; and
- (I) injury to reputation.

(2) The following damages are expenses that may be incurred by a mortgage applicant in connection with a real estate sales

transaction related to a residential mortgage loan, but are deemed to be consequential damages that are not recoverable (list is not exhaustive):

(A) travel expenses paid in connection with the mortgage applicant shopping for real estate (e.g., fuel expenses, vehicle rental, airfare, and hotel fees);

(B) expenses related to terminating the mortgage applicant's preexisting housing arrangements (e.g., lease termination fees, cleaning fees, reletting fees, and lost security deposit);

(C) expenses paid in connection with the mortgage applicant relocating to their prospective housing arrangements (e.g., shipping fees, moving expenses, and storage fees);

(D) expenses paid in connection with securing replacement housing (e.g., rent, hotel fees, utility costs, and home furnishings); and

(E) daily living expenses (e.g., food, clothing, and personal care items).

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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Iain A. Berry

General Counsel

Department of Savings and Mortgage Lending

Earliest possible date of adoption: June 8, 2025

For further information, please call: (512) 475-1535



TITLE 13. CULTURAL RESOURCES

PART 2. TEXAS HISTORICAL COMMISSION

CHAPTER 16. HISTORIC SITES

13 TAC §16.3

The Texas Historical Commission (hereinafter referred to as the "commission") proposes to amend §16.3, relating to Addition of Historic Sites to the Texas Historical Commission Historic Sites Program. This amendment is proposed to establish the process and criteria for acquiring land for existing state historic sites.

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

PUBLIC BENEFIT. Mr. Bell has determined that for the first five-year period the amended rule is in effect, the public benefit will be the increased efficiency and effectiveness in the implementation of the Texas Historical Commission Historic Sites Program and the Commission's ability to add historic sites and other real property to this program.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS FOR SMALL BUSINESSES, MICROBUSINESSES, AND RURAL COMMUNITIES. Mr. Bell has determined that there will be no impact on rural communities, small businesses, or micro-businesses as a result of implementing

these rules. Accordingly, no regulatory flexibility analysis, as specified in Texas Government Code § 2006.002, is required.

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

GOVERNMENT GROWTH IMPACT STATEMENT. During the first five years that the amendments would be in effect, the proposed amendments: will not create or eliminate a government program; will not result in the addition or reduction of employees; will not require an increase or decrease in future legislative appropriations; will not lead to an increase or decrease in fees paid to a state agency; will not create a new regulation; will not repeal an existing regulation; and will not result in an increase or decrease in the number of individuals subject to the rule. During the first five years that the amendments would be in effect, the proposed rules will not positively or adversely affect the Texas economy.

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

PUBLIC COMMENT. Comments on the proposal may be submitted to Joseph Bell, Executive Director, at admin@thc.texas.gov, Texas Historical Commission, P.O. Box 12276, Austin, Texas 78711-2276. Comments will be accepted for 30 days after publication in the *Texas Register*.

STATUTORY AUTHORITY. The amendments are proposed under Texas Government Code §442.0053, which provides the Commission with the authority to promulgate rules and acquire real property by purchase, gift, or in any manner, for inclusion in the historic sites system.

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

§16.3. Addition of Historic Sites or Real Property to the Texas Historical Commission Historic Sites Program.

(a) Criteria for the addition of new Historic Sites. The addition of new Historic Sites will follow the "State Historic Sites Historic Properties Collection Plan" in a three-step process as posted on the Texas Historical Commission's (Commission) website at thc.texas.gov detailing themes and subthemes in Texas history, site assessment, operational and managerial evaluations processes and the following criteria:

(1) The property must have recognized statewide or national significance based on the standards of the National Register of Historic Places.

(2) The property should be able to provide interpretation of a significant theme or event of Texas history that is not fully represented by the Commission's existing historic sites or other historic sites accessible to the public. The Commission will strive to maintain a geographic, cultural and thematic balance in its program.

(3) The property should have exceptional integrity of location (including surrounding environment), design, material, setting, feeling, and association.

(4) The property should have appropriate collections (objects, manuscript material, artifacts) associated with the historic site or necessary artifacts related to the site's history and period of significance should be identified and available.

(5) The property must be appropriate for use as an interpretive museum or historic site, have high potential to attract and accommodate diverse and new audiences, and be accessible to travelers as well as to the local community.

(6) The property must be available without restrictions that would limit the Commission's options for preservation and interpretation as a historic site (for example, a life estate retained by the grantor, restrictions against future sale or conveyance, or limits on alterations deemed appropriate by the Commission). The Commission encourages the use of easements or other restrictions to ensure the preservation of historic sites.

(7) Financial resources must be available or assured, including an endowment fund where appropriate, or sources of funding must be identified in a comprehensive funding plan to ensure the restoration, interpretation, development, long term operation and preservation of the site.

(8) The property must have the potential for strong supporting partnerships including community support.

(b) Evaluation Process. To evaluate the site against these criteria, the Commission will follow a three-step process as follows.

(1) In phase one, staff will determine if the property should be recommended to be added to the Commission's portfolio of State Historic Sites. The preliminary evaluation will briefly address the following issues:

(A) Where is the property located?

(B) What is the current condition of the property?

(C) What improvements would need to be made to meet THC standards for visitor access, experience, and safety?

(D) What is the importance of the property in Texas and/or American History?

(E) What is the estimation of the property's value, strategically, operationally and culturally?

(F) Are there resources such as artifact collections or endowment that accompany the property?

(G) Are there resources available to adequately interpret the property's themes and stories to the public?

(H) Are the necessary resources available to preserve and care for the property's physical infrastructure and collections?

(I) Does THC have the financial and FTE resources to operate the property?

(J) What is the property's potential for the generation of sustainable visitation and revenue?

(2) Phase 2. If the property is recommended for additional study, a staff committee will be assigned to conduct a preliminary review of the property with reference to criteria noted in subsection (a) of this section. The committee will make a recommendation to the Commission whether to proceed with the development of a historic site management plan in phase three of the evaluation process.

(3) Staff will obtain and use the following information in phase two:

(A) A description of the property, including land, structures and other features.

(B) A preliminary inventory of collections and equipment.

(C) A statement of significance or reference to its designation on the National Register of Historic Places/National Historic Landmark and an evaluation of the site's integrity.

(D) A statement from the current owner indicating a willingness to transfer the real and relevant personal property and the terms and conditions for such a transfer.

(E) Needed and available funding for development costs and continuing operational costs.

(F) Letters of support from interested parties, including an indication of willingness to create an appropriate support group.

(G) A statement identifying how the property would support the educational mission of the Historic Sites Program to serve a broad and diverse audience.

(H) A preliminary estimate of the visitation and costs for development and operation of the site.

(4) Phase 3. Upon positive action by the Commission on the recommendation noted in paragraph (2) of this subsection, the staff will prepare or have prepared a management plan in phase three for the site's evaluation including:

(A) Evaluation of the site, including but not limited to buildings, support facilities, infrastructure (including roads, trails, utility service/water and sewer systems), landscape features, and collections.

(B) Required staffing and services for operation of the site, including ongoing costs of preservation, operation, maintenance and marketing.

(C) Preservation and facility development needs.

(D) Costs and timeline for making the property available to the public.

(E) Required staffing and consultant services for development of the site.

(F) Projected audience/annual visitation, sources of funding to support programming including community partnerships, potential earned revenue, philanthropic and endowment.

(5) The management plan will be reviewed by a panel of experts including an independent Texas historian, museum professional, and expert in heritage tourism and their recommendation will be taken into consideration by the Commission to determine whether the property should be accepted.

(6) The decision to accept a site is within the sole discretion of the Commission, including determining whether acceptance of a property that meets all technical criteria is in the best interest of the State.

(c) Criteria for the addition of real property. The Commission finds there are many factors that affect the suitability of real property for use as a historic site or inclusion in the Texas Historical Commission Historic Sites Program and objectively quantifying the relative value of one tract of land over another can be difficult if not impossible. However, all potential acquisitions (including donations) of real property will be evaluated for their attributes with respect to the categories delineated in this subsection. The relative importance of each parameter within the categories will vary from proposal to proposal,

depending on the specific needs and goals of the Commission at the time of consideration. Real property [A property] that meets the criteria in this subsection [is adjacent to an existing THC State Historic Site that will enhance the preservation, protection or interpretation of the existing site, or a property that is needed to support the operations of the state historic site as a program support facility,] may be acquired by purchase or donation by action of the Commission on recommendation of the Executive Director, without the evaluation process described in subsection (b) of this section.

(1) Historical or Interpretive Value. The real property being acquired:

(A) offers or provides significant archaeological, cultural, historical, or interpretive value consistent with the commission's mission of preserving and protecting the historical resources of the State;

(B) qualifies as a Traditional Cultural Property (TCP);

(C) may enhance the visitor experience or understanding of an existing state historic site; or

(D) restores a historic site's original cultural landscape.

(2) Contiguity with Existing State Historic Sites. The real property being acquired:

(A) is near or adjacent to an existing state historic site;

(B) will enhance the preservation, protection, or interpretation of an existing state historic site;

(C) will provide or enhance access to an existing state historic site;

(D) is needed to support the operations of the state historic site as a program support facility;

(E) will provide buffers for existing state historic sites from development or other incompatible land uses; or

(F) will protect viewsheds, landscapes, or the historic character of an existing state historic site.

(3) Other characteristics of significance. The real property being acquired may:

(A) have been historically associated with an existing state historic site;

(B) yield information important in prehistory or history;

(C) accommodate critical non-historic construction, utilities, or uses that would otherwise compromise the historic nature and character of an existing state historic site; or

(D) fill a gap in the inventory of historical or cultural resources offered by existing state historic sites.

(4) The decision to add real property to the Texas Historical Commission Historic Sites Program is within the sole discretion of the Commission, including determining whether the acceptance or purchase of a particular tract of real property is in the best interest of the State. When considering whether to purchase real property to add to the Texas Historical Commission Historic Sites Program, the Commission in its sole discretion may determine the appropriate price to pay for the real property, even if that price exceeds the fair market appraised value, based on the criteria in subsection (c) and the historical significance of the real property to the State.

(d) A right of way or easement required to allow for installation or connection of necessary utilities at a THC State Historic Site between regular meetings of the Commission may be approved by the

Executive Director with the approval of the Chairman. This action will be ratified at the next meeting of the Commission.

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

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

TRD-202501401

Joseph Bell

Executive Director

Texas Historical Commission

Earliest possible date of adoption: June 8, 2025

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



TITLE 34. PUBLIC FINANCE

PART 3. TEACHER RETIREMENT SYSTEM OF TEXAS

CHAPTER 41. HEALTH CARE AND INSURANCE PROGRAMS

SUBCHAPTER A. RETIREE HEALTH CARE BENEFITS (TRS-CARE)

34 TAC §41.12

The Board of Trustees of the Teacher Retirement System of Texas (TRS) proposes to amend §41.12 (relating to Eligibility for the Alternative Plan for Medicare-Eligible Participants) under Subchapter A (relating to Retiree Health Care Benefits (TRS-CARE)) of Chapter 41 in Part 3 of Title 34 of the Texas Administrative Code.

BACKGROUND AND PURPOSE

The TRS-Care Alternative Plan offered under §1575.158(d) and administered under Chapter 1575 of the Insurance Code no longer offers value to our retirees and their eligible dependents due to different factors.

Under §1575.158(d) of the Insurance Code, the trustee has the discretion to create an alternative plan in addition to the Medicare Advantage plan with a Medicare prescription drug plan (TRS-Care MA) under § 1575.158(c), if the trustee deems the TRS-Care MA to not be appropriate for the program. Exercising this authority, TRS established the TRS-Care Alternative Plan in 2018, as outlined in 34 TAC §41.12.

In 2018, the TRS-Care MA had a limited network of providers in rural areas, and the TRS-Care Alternative Plan addressed the members who did not have adequate access to providers. Since then, TRS carriers have continued to build out and expand the TRS-Care MA network significantly, and there have been no members participating in the TRS-Care Alternative plan due to lack of provider access for several years.

Additionally, when TRS initially created the TRS-Care Alternative Plan, it aimed to offset the financial burdens imposed on Medicare-eligible TRS members by certain federal laws. Participation in TRS-Care Medicare Advantage has always required maintaining Part B coverage, with the exception of those enrolled in the Alternative Plan. The TRS-Care Alternative Plan was designed to protect members who found enrolling in Medicare Part

B cost-prohibitive, allowing them to participate in the TRS-Care Alternative Plan. However, with the repeal of the federal laws that originally spurred the creation of the plan, the TRS-Care Alternative Plan has lost its practical purpose.

To the contrary, forgoing Medicare Part B coverage may now be more disadvantageous for our members. Members who do not elect Part B coverage when they first become eligible face increasingly higher premiums over time. By phasing out the TRS-Care Alternative Plan, TRS aims to encourage new enrollees to TRS-Care to secure Part B coverage promptly. This approach not only benefits TRS members by helping them avoid escalating premiums, but also helps mitigate unnecessary risks to the TRS-Care trust fund.

TRS proposes to amend §41.12 to close new enrollment to the TRS-Care Alternative Plan beginning January 1, 2026. All TRS-Care Alternative Plan members who enrolled in the plan before that date may remain in the plan. However, from that date forward, Medicare-eligible members who desire to participate in the TRS-Care Program must enroll and maintain Medicare Part B coverage to join the TRS-Care MA. The proposed amendments to §41.12 outline these enrollment requirements and ensure compliance for Medicare-eligible members.

FISCAL NOTE

Don Green, TRS Chief Financial Officer, has determined that for each year of the first five years the proposed amendments to §41.12 will be in effect, there will be no foreseeable negative fiscal implications for state governments and no foreseeable fiscal implications for local governments as a result of administering proposed amended §41.12. Phasing out the TRS-Care Alternative Plan for new enrollees will enhance the financial stability of the TRS-Care trust fund for the over 214,000 participants in the plan. The TRS-Care Alternative Plan is significantly more costly than the TRS-Care MA, which is the primary health benefit program TRS offers to Medicare-eligible individuals.

PUBLIC COST/BENEFIT

For each of the first five years proposed amended §41.12 is in effect, Mr. Green anticipates a significant public benefit. The change will encourage Medicare-eligible individuals to enroll in Part B coverage when they first become eligible, potentially saving them from burdensome cost that increase over time if enrollment is delayed. Mr. Green has also determined that entities required to comply with the proposed amended rule will not incur any economic cost. Mr. Green has determined participants will incur a cost related to Part B and/or TRS-Care MA premiums if they choose to enroll in these programs. Amending §41.12 will be a public benefit because it will enhance the stability of the TRS-Care trust fund.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS

TRS has determined that proposed amended §41.12 will not have any adverse economic effect on small businesses, micro-businesses, or rural communities. As a result, the requirements for an economic impact statement or a regulatory flexibility analysis under Government Code §2006.002 do not apply in this case.

LOCAL EMPLOYMENT IMPACT STATEMENT

TRS has determined that there will be no effect on local employment because of the proposed amended rule. Therefore, no local employment impact statement is required under Government Code §2001.022.

GOVERNMENT GROWTH IMPACT STATEMENT

TRS has determined that for the first five years proposed amended §41.12 is in effect, proposed amended §41.12 will not create or eliminate any TRS programs; will not require the creation or elimination of employee positions; will not require an increase or decrease in future legislative appropriations to TRS; will not eliminate any fees currently paid to TRS; will amend existing regulation; will not increase or decrease the number of individuals subject to the rule's applicability; and will not affect the state's economy. Amending §41.12 will place limits on access to TRS-Care that were not previously stated in the rule.

This proposal amends an existing regulation. The proposed changes to §41.12 modify the rule through which TRS, as trustee of the Texas Public School Retired Employees Group Benefits Act created under Chapter 1575 of the Insurance Code, will phase out the current TRS-Care Alternative Plan. Specifically, the amended rule will close the plan to new members starting on January 1, 2026. The amendment will also add the requirement that members who desire to participate in the TRS-Care Program must enroll and maintain Medicare Part B coverage to join the TRS-Care MA plan.

TAKINGS IMPACT ASSESSMENT

TRS has determined that there are no private real property interests affected by the proposed amended rule; therefore, a takings impact assessment is not required under Government Code §2007.043.

COSTS TO REGULATED PERSONS

TRS has determined that Government Code §2001.0045 does not apply to the proposed amended rule because it does not impose a cost on regulated persons.

COMMENTS

Comments may be submitted in writing to Brian Guthrie, TRS Executive Director, P.O. Box 149676, Austin, Texas 78714-0185. Written comments must be received by TRS no later than 30 days after publication of this notice in the *Texas Register*.

STATUTORY AUTHORITY

The proposed amended rule is authorized under Chapter 1575 of the Insurance Code, which establishes the Texas Public School Retired Employees Group Benefits Act (TRS-CARE). Specifically, §1575.052 grants the trustee the authority to adopt rules, plans, procedures, and orders reasonably necessary to implement Chapter 1575, including those related to enrollment periods coverage selection, and procedures for enrolling and exercising options within the group program. Additionally, the proposed amended rule is supported by Chapter 825 of the Government Code, which governs the TRS administration, and §825.102 of the Government Code, which authorizes the Board to adopt rules for the transaction of the business of the Board.

CROSS-REFERENCE TO STATUTE

The proposed amended rule implements the Insurance Code § 1575.052, related to Authority to Adopt Rules and Procedures; Other Authority, which authorizes the trustee to adopt rules, plans, procedures, and orders reasonably necessary to implement Chapter 1575, including periods of enrollment and coverage selection and outlines the procedures for enrolling and exercising options under the group program.

§41.12. Relating to [Eligibility for] the Alternative Plan for [Medicare]-Eligible Participants and Medicare Part B Requirement.

(a) Enrollment in the Alternative Plan. Up to and including December 31, 2025, an ~~[An]~~ individual is eligible to enroll in the Alternative Plan offered under TRS-Care if:

- (1) the individual is eligible to enroll in TRS-Care; and
- (2) the individual is eligible for Medicare and either:

(A) does not have reasonable access to a particular provider, as determined by TRS; or

(B) as of January 1, 2018, does not have Medicare Part B coverage and the individual's ability to obtain Medicare Part B coverage is cost prohibitive, as determined by TRS.

(b) Closing Enrollment in the Alternative Plan. Effective January 1, 2026, new enrollees under TRS-Care will no longer be eligible for the Alternative Plan described under subsection (a) of this section.

(c) Medicare Part B Requirement. Effective January 1, 2026, retirees, dependents, surviving spouses, and surviving dependent children who are eligible to enroll in Medicare and desire to enroll in or stay in a TRS-Care plan must have and maintain Medicare Part B coverage.

(1) High Deductible Health Plan Transition. Effective January 1, 2026, retirees, dependents, surviving spouses, and surviving dependent children enrolled in the high deductible health plan offered under TRS-Care who turn age 65 and are eligible to enroll in Medicare must have and maintain Medicare Part B coverage to transition into the Medicare Advantage plan and the Medicare prescription drug plan offered under TRS-Care. These enrollees have until the end of their Medicare Initial Enrollment Eligibility Period (IEP) to secure Medicare Part B coverage in order to transition into the Medicare Advantage plan and the Medicare prescription drug plan offered under TRS-Care. Enrollees that fail to secure Medicare Part B coverage within this period shall be terminated from the TRS-Care program.

(2) Continued Enrollment in the TRS-Care Medicare Advantage Plan. Effective January 1, 2026, retirees, dependents, surviving spouses, and surviving dependent children enrolled in the Medicare Advantage Plan offered under TRS-Care who terminate or lose their Medicare Part B coverage no longer meet TRS-Care eligibility criteria and shall be terminated from the TRS-Care program as soon as TRS is notified of the Part B coverage loss by CMS.

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 April 28, 2025.

TRD-202501399

Don Green

Chief Financial Officer

Teacher Retirement System of Texas

Earliest possible date of adoption: June 8, 2025

For further information, please call: (512) 584-4773



TITLE 37. PUBLIC SAFETY AND CORRECTIONS

PART 6. TEXAS DEPARTMENT OF CRIMINAL JUSTICE

CHAPTER 151. GENERAL PROVISIONS

37 TAC §151.51

The Texas Board of Criminal Justice (board) proposes amendments to §151.51, concerning Custodial Officer Certification and Hazardous Duty Pay Eligibility Guidelines. The proposed amendments revise "offender" to "inmate" where appropriate and "rule" to "section" throughout; revise the definition for "Routine Direct Inmate Contact"; add sociologists and interviewers to employees eligible under Hazardous Duty Code 3; replace the deputy executive director with the chief operations officer as the authority to approve adding positions to Hazardous Duty Code 3; add the chief operations officer, chief programs officer, other division directors, and no more than 25 administrative duty officers to employees eligible under Hazardous Duty Code 4 and remove language stating any other positions approved by the deputy executive director; add laboratory technicians assigned to parole offices to employees eligible under Hazardous Duty Code 8; and make grammatical updates.

Ron Steffa, Chief Financial Officer for the Texas Department of Criminal Justice (TDCJ), has determined that for each year of the first five years the proposed amendments will be in effect, enforcing or administering the proposed amendments will not have foreseeable implications related to costs or revenues for state or local government because the proposed amendments merely clarify existing procedures.

Mr. Steffa has also determined that for each year of the first five-year period, there will not be an economic impact on persons required to comply with the rules because the proposed amendments merely clarify existing procedures. There will not be an adverse economic impact on small or micro businesses or on rural communities. Therefore, no regulatory flexibility analysis is required.

The anticipated public benefit, as a result of enforcing the proposed amendments, will be to enhance clarity and public understanding. No cost will be imposed on regulated persons.

The proposed amendments will have no impact on government growth; no impact on local employment; no creation or elimination of a government program; no creation or elimination of employee positions; no increase or decrease in future legislative appropriations to the TDCJ; no increase or decrease in fees paid to the TDCJ; no new regulation and no effect on an existing regulation; no increase or decrease in the number of individuals subject to the rule; and no effect upon the economy. The proposed amendments will not constitute a taking.

Comments should be directed to the Office of the General Counsel, Texas Department of Criminal Justice, P.O. Box 4004, Huntsville, Texas 77342, ogccomments@tdcj.texas.gov. Written comments from the general public must be received within 30 days of the publication of this rule in the *Texas Register*.

The amendments are proposed under Texas Government Code §492.013, which authorizes the board to adopt rules; §508.001, which defines terms for general provisions regarding parole and mandatory supervision; §615.006, which outlines requirements for the designation of custodial personnel; §811.001, which defines terms for general provisions regarding Employees Retirement System of Texas; §813.506; which establishes guidelines for custodial officer service eligibility; §815.505, which establishes guidelines for the certification of names of law enforcement and custodial officers; and §659.301-.308, which establishes guidelines for hazardous duty pay compensation for state officers and employees.

Cross Reference to Statutes: None.

§151.51. Custodial Officer Certification and Hazardous Duty Pay Eligibility Guidelines.

(a) Purpose. The purpose of this section [rule] is to establish eligibility criteria for authorizing custodial officer certification and hazardous duty pay to employees of the Texas Department of Criminal Justice (TDCJ) under the authority of Texas Government Code §§508.001, 615.006, 811.001, 813.506, and 815.505; and the *General Appropriations Act*.

(b) Definitions. The following words and terms, when used in this section [rule], shall have the following meanings unless the context clearly indicates otherwise:

(1) Custodial Officer Certification is service certification to the Employees Retirement System of Texas (ERS) for employees the TDCJ has determined are eligible for custodial officer service credit, which provides an additional retirement incentive when such employees have 20 or more years of service credit.

(2) Custodial Officer Service Credit is credit in the ERS for service performed by employees in a position that has been classified as a Hazardous Duty Code 1, 2, 3, 4, 6, 7, or 9 in accordance with this section [rule].

(3) Direct Inmate [Offender] Contact is interacting with, and in the close proximity to, inmates [offenders] without the protection of bars, doors, security screens, or similar devices while performing job duties. Such contact normally involves supervision or the potential for supervision of inmates [offenders] in inmate [offender] housing areas, educational or recreational facilities, industrial shops, kitchens, laundries, medical areas, maintenance departments, agricultural shops or fields, or in any other areas on or away from TDCJ property.

(4) Move is a change in position that may consist of a lateral transfer, promotion, voluntary demotion, or involuntary demotion.

(5) Inmate [Offender], for the purpose of custodial officer certification and hazardous duty pay, is an individual confined in a TDCJ facility.

(6) Releasee is an individual who has been released on parole or to mandatory supervision.

(7) Routine Direct Inmate [Offender] Contact is regularly planned or scheduled direct inmate [offender] contact while conducting TDCJ business. Routine direct inmate [offender] contact does not include travel time, unless the employees are responsible for the transportation and custody of inmates [offenders] and does not include casual contact.

(c) Procedures.

(1) Custodial Officer Certification. Employees in one of the following positions are eligible for custodial officer certification:

(A) Hazardous Duty Code 1. These positions are classified as correctional officer I through warden II.

(B) Hazardous Duty Code 2. These positions include all positions assigned to a unit, other than Hazardous Duty Code 1 positions, with job duties that require routine direct inmate [offender] contact. Examples include[:] agriculture specialists, maintenance supervisors, food service managers, laundry managers, classification case managers, and commissary managers.

(C) Hazardous Duty Code 3. These positions are assigned to administrative employees whose job duties require routine direct inmate [offender] contact at least 50% of the time. Examples

include[:] investigators, compliance monitors, [and] accountants routinely required to audit unit operations, sociologists, and interviewers.

(i) A request to include a position in this category shall be submitted to the chief operations officer [~~deputy executive director~~] for approval.

(ii) Employees in such positions and supervisors of such employees shall complete and submit a Hazardous Duty Log in accordance with TDCJ procedures to justify custodial officer certification.

(D) Hazardous Duty Code 4. These positions include administrative employees who routinely respond to emergency situations involving inmates [~~offenders~~]. Examples include[:] the executive director, chief operations officer, chief programs officer [~~deputy executive director~~], Correctional Institutions Division director, other division directors, and no more than 25 administrative duty officers [~~and any other positions approved by the deputy executive director~~].

(E) Hazardous Duty Code 6. These positions are filled by employees whose custodial officer certifications are grandfathered. When employees move from Hazardous Duty Code 6 positions, the positions will be automatically converted to longevity pay. Grandfathered custodial officer certifications are based on the following criteria:

(i) On August 31, 1995, the employees were assigned to Hazardous Duty Code 3 positions; and

(ii) The employees continue to have some routine direct inmate [~~offender~~] contact although it is less than 50% routine direct inmate [~~offender~~] contact.

(iii) Employees in such positions and supervisors of such employees shall complete and submit a Hazardous Duty Log in accordance with TDCJ procedures to justify custodial officer certification.

(F) Hazardous Duty Code 7. These positions include:

(i) Parole officers; and

(ii) Other positions within the Parole Division or assigned to the Board of Pardons and Paroles which have a majority of assigned duties that include assessment of risks and needs, investigation, case management, and supervision of releasees to ensure that releasees comply with the conditions of parole or mandatory supervision. Positions also include those who directly supervise or are in a direct line of supervision over these employees.

(G) Hazardous Duty Code 9. These positions are filled by employees whose custodial officer certifications are grandfathered. Custodial officer certifications shall remain grandfathered as long as the employees remain in Hazardous Duty Code 9 positions. When the employees move from Hazardous Duty Code 9 positions, the positions shall be automatically converted to longevity pay. Grandfathered custodial officer certifications are based on the following criteria:

(i) On August 31, 1995, the employees were assigned to positions authorized for custodial officer certification and hazardous duty pay; and

(ii) The employees have been designated as members of an Emergency Response Team that may respond to emergency situations involving inmates [~~offenders~~].

(iii) Employees in such positions and the supervisors of such employees shall complete and submit an Emergency Response Log in accordance with TDCJ procedures to justify custodial officer certification.

(2) Hazardous Duty Pay Authorized Positions. In addition to the employees described in subsection (c)(1) of this section [~~rule~~], employees in the following positions may receive hazardous duty pay:

(A) Employees in positions authorized for custodial officer certification;

(B) Employees in Hazardous Duty Code 8. These positions are assigned to the Parole Division or the Board of Pardons and Paroles and do not meet the criteria for Hazardous Duty Code 7. Employees in these positions have routine direct contact with inmates [~~offenders~~] in a penal or correctional facility or with releasees [~~administratively released offenders~~] subject to the jurisdiction or supervision of the Parole Division. Examples include[:] clerks, [~~and~~] administrative assistants, and laboratory technicians assigned to parole field offices.

(3) Each month, the TDCJ shall certify to the ERS the names of the employees and any other information determined and prescribed by the ERS as necessary for the crediting of custodial officer service and financing of benefits.

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 April 25, 2025.

TRD-202501346

Stephanie Greger

General Counsel

Texas Department of Criminal Justice

Earliest possible date of adoption: June 8, 2025

For further information, please call: (936) 437-6700

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CHAPTER 152. CORRECTIONAL INSTITUTIONS DIVISION

SUBCHAPTER B. CORRECTIONAL CAPACITY

37 TAC §152.25

The Texas Board of Criminal Justice (board) proposes amendments to §152.25, concerning Maximum Rated Capacity of Individual Units. The proposed amendments update the maximum rated capacity of individual units.

Ron Steffa, Chief Financial Officer for the Texas Department of Criminal Justice (TDCJ), has determined that for each year of the first five years the proposed amendments will be in effect, the proposed amendments will increase costs related to state government.

Mr. Steffa has also determined that for each year of the first five-year period, there will not be an economic impact on persons required to comply with the rules. There will not be an adverse economic impact on small or micro businesses or on rural communities. Therefore, no regulatory flexibility analysis is required. The anticipated public benefit, as a result of enforcing the proposed amendments, will be to accurately reflect the maximum rated capacity of existing units within the TDCJ. No cost will be imposed on regulated persons.

The proposed amendments will have no impact on local employment; no increase or decrease in fees paid to the TDCJ; no new regulation and no effect on an existing regulation; no increase or

decrease in the number of individuals subject to the rule; and no effect upon the economy. The proposed amendments will have an impact on government growth, will create positions and will increase future legislative appropriation requests. The increased capacities of existing units will be utilized to house additional incarcerated individuals as reflected in population projections.

Comments should be directed to the Office of the General Counsel, Texas Department of Criminal Justice, P.O. Box 4004, Huntsville, Texas 77342, ogccomments@tdcj.texas.gov. Written comments from the general public must be received within 30 days of the publication of this rule in the *Texas Register*.

The amendments are proposed under Texas Government Code §492.013, which authorizes the board to adopt rules; §494.001, which establishes the mission of the institutional division; and §499.102-.110, which establishes procedures for determining unit and system capacity.

Cross Reference to Statutes: None.

§152.25. Maximum Rated Capacity of Individual Units.

The Texas Board of Criminal Justice establishes the following maximum rated capacities for existing units.

Figure: 37 TAC §152.25

[Figure: 37 TAC §152.25]

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 April 25, 2025.

TRD-202501348

Stephanie Greger

General Counsel

Texas Department of Criminal Justice

Earliest possible date of adoption: June 8, 2025

For further information, please call: (936) 437-6700



PART 7. TEXAS COMMISSION ON LAW ENFORCEMENT

CHAPTER 217. ENROLLMENT, LICENSING, APPOINTMENT, AND SEPARATION

37 TAC §217.7

The Texas Commission on Law Enforcement (Commission) proposes amended 37 Texas Administrative Code §217.7, Reporting Appointment and Separation of a Licensee. This proposed amended rule conforms with the recommendations made by an advisory committee and approved by the Commission in the Hiring Procedures Model Policy. The proposed amended rule would require all applicants and licensees to be fingerprinted and subjected to a fingerprint-based criminal background check before being appointed by a law enforcement agency. This will be implemented to replace the requirement that licensees and appointing agencies submit the Criminal Charges Notification (E-1) form to the Commission when a licensee is arrested or charged with a crime. This should result in fewer appointments of ineligible individuals.

Mr. John P. Beauchamp, General Counsel, has determined that for each year of the first five years this proposed amended rule

will be in effect, there will be no foreseeable fiscal implications to state or local governments as a result of enforcing or administering the proposed amendment.

Mr. Beauchamp has determined that for each year of the first five years this proposed amended rule will be in effect, there will be a positive benefit to the public by conforming with the Hiring Procedures Model Policy. There will be minimal anticipated economic costs to persons required to comply with the proposed amendment due to increases in the number of times an individual may be fingerprinted.

Mr. Beauchamp has determined that for each year of the first five years this proposed amended rule will be in effect, there will be no adverse economic effects to small businesses, microbusinesses, or rural communities as a result of implementing the proposed amendment.

Mr. Beauchamp has determined that for each year of the first five years this proposed amended rule will be in effect, there will be no effects to a local economy as a result of implementing the proposed amendment.

Mr. Beauchamp has determined the following:

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

The Commission will accept comments regarding the proposed amended rule. The comment period will last 30 days following the publication of this proposal in the *Texas Register*. Comments may be submitted electronically to or in writing to Mr. John P. Beauchamp, General Counsel, Texas Commission on Law Enforcement, 6330 E. Highway 290, Suite 200, Austin, Texas 78723-1035.

The amended rule is proposed pursuant to Texas Occupations Code §1701.151, General Powers of the Commission; Rule-making Authority, §1701.303, License Application; Duties of Appointing Entity, and §1701.451, Preemployment Procedure. Texas Occupations Code §1701.151 authorizes the Commission to adopt rules for the administration of Occupations Code Chapter 1701. Texas Occupations Code §1701.303 requires an agency to have a licensee's criminal history record information and to have a licensee fingerprinted to disclose any criminal record if there has been a 180 break in service. Texas Occupations Code §1701.451 requires an agency to obtain and review criminal history record information before appointing a licensee.

The amended rule as proposed affects or implements Texas Occupations Code §1701.151, General Powers of the Commission; Rulemaking Authority, §1701.303, License Application; Duties of Appointing Entity, and §1701.451, Preemployment Procedure. No other code, article, or statute is affected by this proposal.

§217.7. Reporting Appointment and Separation of a Licensee.

(a) Before a law enforcement agency may appoint a person licensed or seeking a license as a peace officer, county jailer, or telecommunicator the agency head or designee must:

(1) obtain the person's written consent for the agency to view the person's employment records;

(2) obtain a copy of the Personal Status Report (PSR) maintained by the commission;

(3) obtain a completed, signed, and notarized Personal History Statement (PHS);

(4) obtain a Computerized Criminal History (CCH) from TCIC and NCIC;

(5) obtain proof of eligibility after separation from the military, if applicable;

(6) conduct and document a background investigation;

(7) for peace officers, obtain proof of weapons qualification within the 12 months preceding appointment;

(8) for current licensees, electronically request and obtain the F-5 Return (F5R) from the commission, contact each of the person's previous law enforcement employers, and document the contact on the F5 return; ~~and~~

(9) have the person fingerprinted and subjected to a search of local, state, and U.S. national records and fingerprint files to disclose any criminal record;

(10) ~~[(9)]~~ in addition to the requirements listed in this section:

(A) For a licensee with more than 180 days since their last appointment:

(i) obtain a new declaration of psychological and emotional health (L3 Form); and

(ii) obtain a new declaration of the lack of any drug dependency or illegal drug use (L2 Form); and

~~[(iii) obtain new proof that the licensee has been fingerprinted and subjected to a search of local, state and U.S. national records and fingerprint files to disclose any criminal record.]~~

(B) For a person's initial appointment:

(i) obtain proof of meeting educational requirements;

(ii) obtain proof of meeting U.S. citizenship requirements;

~~[(iii) obtain new proof that the person has been fingerprinted and subjected to a search of local, state and U.S. national records and fingerprint files to disclose any criminal record.]~~

(iii) ~~[(iv)]~~ obtain a new declaration of psychological and emotional health (L3 Form), if more than 180 days from the graduation of the basic licensing course;

(iv) ~~[(v)]~~ obtain a new declaration of medical eligibility and lack of any drug dependency or illegal drug use (L2 Form), if

more than 180 days from the graduation of the basic licensing course; and

(v) ~~[(vi)]~~ submit an appointment application (L1 Form) and receive an approval of the application before the person discharges any duties related to the license sought; and ~~[-]~~

(11) ~~[(10)]~~ For current licensees, submit an ~~[a Statement of]~~ Appointment Application (L1 Form) within 7 days of the appointment.

(b) When a person licensed by the commission separates from an agency, the agency shall, within 7 business days:

(1) submit a Separation report (Form F5) to the commission; and

(2) provide a copy to the licensee in a manner prescribed by Texas Occupations Code section 1701.452.

(c) A law enforcement agency that is given a signed consent form shall make the person's employment records available to a hiring law enforcement agency as authorized by Texas Occupations Code section 1701.451.

(d) An agency must retain records kept under this section while the person is appointed and for a minimum of five years after the licensee's separation date with that agency. The records must be maintained under the control of the agency head or designee in a format readily accessible to the commission.

(e) The effective date of this section is August 1, 2025 ~~[February 1, 2020]~~.

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 April 24, 2025.

TRD-202501338

Gregory Stevens

Executive Director

Texas Commission on Law Enforcement

Earliest possible date of adoption: June 8, 2025

For further information, please call: (512) 936-7700



PART 15. TEXAS FORENSIC SCIENCE COMMISSION

CHAPTER 651. DNA, CODIS, FORENSIC ANALYSIS, AND CRIME LABORATORIES

SUBCHAPTER A. ACCREDITATION

37 TAC §651.5

The Texas Forensic Science Commission (Commission) proposes amendments to 37 Texas Administrative Code Section 651.5, Forensic Disciplines Subject to Commission Accreditation, to distinguish Rapid DNA analysis as its own forensic discipline for accreditation purposes consistent with actions taken by the ANSI National Accreditation Board (ANAB) and the American Association for Laboratory Accreditation (A2LA), the two accrediting bodies currently recognized by the Commission under 37 Texas Administrative Code Section 651.4(a). Rapid DNA analysis is the fully automated (hands-free) process of developing a CODIS acceptable STR profile from a casework reference or forensic sample. The "swab in- profile out" process

consists of automated extraction, amplification, separation, detection and allele calling without human intervention.

Background and Justification. The Commission proposes these amendments in response to an announcement by the Federal Bureau of Investigation (FBI) of a change to its Quality Assurance Standards (QAS) that authorizes crime scene samples processed utilizing Rapid DNA technology to be uploaded and searched in the Combined DNA Index System (CODIS) as long as certain requirements are met. The FBI adopted new rules (effective July 2025) to allow law enforcement to utilize Rapid DNA technology within the umbrella of the existing accreditation of a crime laboratory. This FBI rule change in turn sparked changes in the way the accrediting bodies recognized by the Commission categorize Rapid DNA analysis. Whereas previously, Rapid DNA technology was classified within the general category of forensic biology/DNA analysis, it now has its own distinct category. The proposed amendments make this same change to the Commission's administrative rules. The goal is to ensure consistency and clarity between the FBI's rules, the approach taken by recognized accrediting bodies, and the Commission's administrative rules.

Fiscal Impact on State and Local Government. Leigh M. Tomlin, Associate General Counsel of the Commission, has determined that for each year of the first five years the new rule is in effect, there will be no fiscal impact to state or local governments as a result of the enforcement or administration of the proposal, because there is no estimated loss or increase in revenue to the state or to local governments as a result of enforcing or administering the proposed rule amendments.

Local Employment Impact Statement. The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code §2001.022.

Probable Economic Costs to Persons Required to Comply with Proposal. The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code §2001.0045.

Public Benefit. Ms. Tomlin has also determined that for each year of the first five years the new rule is in effect, the anticipated public benefit is increased clarity and consistency regarding the implementation of Rapid DNA technology in Texas under the rules established by the FBI's QAS, national accrediting body requirements, and the administrative rules of the Commission.

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

Takings Impact Assessment. Ms. Tomlin 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 and, therefore, does not constitute a taking or require a takings impact assessment under the Government Code §2007.043.

Government Growth Impact Statement. Ms. Tomlin has determined that for the first five-year period, implementation of the proposed amendments will have minimal government growth im-

pact. Pursuant to the analysis required by Government Code Section 2001.221(b): (1) the proposed rule does not create or eliminate a government program; (2) implementation of the proposed rule does not require the creation of new employee positions or the elimination of existing employee positions; (3) implementation of the proposed rule does not increase or decrease future legislative appropriations to the agency; (4) the proposed rule changes do not require any fees; (5) the proposed rule does not create a new regulation; (6) the proposed rule expands current accreditation requirements to cover Rapid DNA analysis and comparisons to ensure the integrity and reliability of these types of analysis for use in the State's criminal justice system; (7) the proposed rule does not increase or decrease the number of individuals subject to the rule's applicability; and (8) the proposed rule has no effect on the state's economy.

Environmental Rule Analysis. The Commission has determined that the proposed rule is not brought with specific intent to protect the environment or reduce risks to human health from environmental exposure; thus, the Commission asserts that the proposed rule is not a "major environmental rule," as defined in Government Code §2001.0225. As a result, the Commission asserts the preparation of an environmental impact analysis, as provided by §2001.0225, is not required.

Request for Public Comment. The Commission invites comments on the proposal from any member of the public. Please submit comments to Leigh M. Tomlin, 1700 North Congress Avenue, Suite 445, Austin, Texas 78701 or leigh@fsc.texas.gov. Comments must be received by June 9, 2025, to be considered by the Commission.

Statutory Authority. The rule amendments are proposed under the Commission's general rulemaking authority provided in Code of Criminal Procedure, Article 38.01 § 3-a and its authority to establish an accreditation process for crime laboratories and other entities conducting forensic analyses of physical evidence for use in criminal proceedings provided in Code of Criminal Procedure, Article 38.01 § 4-d and Article 38.35(a)(4)(D).

Cross reference to statute. The proposal affects Tex. Code Crim. Proc. art. 38.01.

§651.5. Forensic Disciplines Subject to Commission Accreditation.

(a) Forensic analysis/recognized accreditation. This section describes a forensic discipline or category of analysis that involves forensic analysis for use in a criminal proceeding and for which accreditation is available from a recognized accrediting body.

(b) By discipline. A crime laboratory may apply for Commission accreditation for one or more of the following disciplines:

(1) Seized Drugs. Categories of analysis may include one or more of the following: qualitative determination, quantitative measurement, weight measurement, and volume measurement;

(2) Toxicology. Categories of analysis may include one or more of the following: qualitative determination and quantitative measurement;

(3) Forensic Biology. Categories of analysis may include one or more of the following: DNA-STR, DNA-YSTR, DNA-Mitochondrial, DNA-massively parallel sequencing, body fluid identification, relationship testing, microbiology, individual characteristic database, and nucleic acids other than human DNA;

(4) Rapid DNA. Rapid DNA analysis is the fully automated (hands-free) process of developing a CODIS acceptable STR profile from a casework reference or forensic sample. The "swab in- profile

out" process consists of automated extraction, amplification, separation, detection and allele calling without human intervention.

(5) [(4)] Firearms/Toolmarks. Categories of analysis may include one or more of the following: physical comparison, determination of functionality, length measurement, trigger pull force measurement, qualitative chemical determination, distance determination, ejection pattern determination, product (make/model) determination;

(6) [(5)] Materials (Trace). Categories of analysis may include one or more of the following: physical determination, chemical determination, physical/chemical comparison, product (make/model) determination, gunshot residue analysis, footwear and tire tread analysis, and fire debris and explosives analysis (qualitative determination); or

(7) [(6)] Other discipline and its related categories of analysis if accredited by a recognized accrediting body and approved by the Commission.

(c) Cross-disciplines and categories of analysis. A laboratory may choose to assign a particular discipline or category of analysis to a different administrative section or unit in the laboratory than the designation set forth in this subchapter.

(d) If an accreditation for a category of analysis is accompanied by the term 'only' or a similar notation, the Commission will deem the accreditation to exclude other categories of analysis in that discipline.

(e) Accreditation of a confirmation test procedure does not carry automatic accreditation of an associated field, spot, screening, or other presumptive test.

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 April 22, 2025.

TRD-202501297

Leigh Tomlin

Associate General Counsel

Texas Forensic Science Commission

Earliest possible date of adoption: June 8, 2025

For further information, please call: (512) 936-0770



SUBCHAPTER C. FORENSIC ANALYST LICENSING PROGRAM

37 TAC §651.207

The Forensic Science Commission (Commission) proposes amendments to 37 Texas Administrative Code §651.207, Forensic Analyst and Forensic Technician Licensing Requirements, Including Initial License Term and Fee, Minimum Education and Coursework, General Forensic Examination, Proficiency Monitoring and Mandatory Legal and Professional Responsibility Training. This rule proposal changes the requirement for minimum coursework for Commission-licensed forensic biology/DNA analysts to mirror the Federal Bureau of Investigation's Quality Assurance Standards (FBI QAS) coursework requirements in place at the time of the analyst's application for licensure with the Commission. Coursework requirements are academic classes officially recognized and taught through an accredited college or university program in which the participating student (applicant) successfully completed and received one

or more credit hours for the class. Under current Commission rules, analysts must comply with coursework requirements from a soon-to-be outdated version of the FBI QAS to qualify for licensure by the Commission. The FBI recently announced an update of its Quality Assurance Standards for coursework expected of forensic biology/DNA analysts who work for DNA testing laboratories (effective July 2025). The revisions include removal of specifically required course names which have, in the past, barred otherwise qualified candidates from working as forensic DNA analysts in forensic testing laboratories and replaced the specific course names with a general requirement for 9 credit hours in coursework in biology- or chemistry-related areas that provide an understanding of the foundations of DNA analysis. The rule changes proposed herein follow the same path, expanding the eligibility requirements for forensic biology/DNA applicants for licensure in the State of Texas.

Background and Justification. The proposed amendments require licensed forensic biology/DNA analysts to meet current, national FBI QAS minimum coursework requirements for employment at an accredited crime laboratory. The amendments subject forensic biology/DNA analysts to these current requirements at the time of application for licensure to the Commission and remove the requirement for compliance with the 2011 version of the QAS expressed in the Commission's current licensing rules.

Fiscal Impact on State and Local Government. Leigh M. Tomlin, Associate General Counsel of the Commission, has determined that for each year of the first five years the new rule is in effect, there will be no fiscal impact to state or local governments as a result of the enforcement or administration of the proposal. There is no estimated loss or increase in revenue to the state or to local governments as a result of enforcing or administering the proposed rule amendments.

Local Employment Impact Statement. The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code §2001.022.

Probable Economic Costs to Persons Required to Comply with Proposal. The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code §2001.0045.

Public Benefit. Ms. Tomlin has also determined that for each year of the first five years the new rule is in effect, the anticipated public benefit is compliance with national coursework standards for forensic biology/DNA analysts in the State further ensuring the integrity and reliability of forensic science in the State.

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

Takings Impact Assessment. Ms. Tomlin 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 and, therefore, does not constitute a taking or require a takings impact assessment under the Government Code §2007.043.

Government Growth Impact Statement. Ms. Tomlin has determined that for the first five-year period, implementation of the proposed amendments will have no government growth impact. Pursuant to the analysis required by Government Code 2001.221(b): (1) the proposed rule does not create or eliminate a government program; (2) implementation of the proposed rule does not require the creation of new employee positions or the elimination of existing employee positions; (3) implementation of the proposed rule does not increase or decrease future legislative appropriations to the agency; (4) the proposed rule changes do not require any fees; (5) the proposed rule does not create a new regulation; (6) the proposed rule does not expand, limit, or repeal an existing regulation; (7) the proposed rule does not increase or decrease the number of individuals subject to the rule's applicability; and (8) the proposed rule has no effect on the state's economy.

Environmental Rule Analysis. The Commission has determined that the proposed rules are not brought with specific intent to protect the environment or reduce risks to human health from environmental exposure; thus, the Commission asserts that the proposed rules are not a "major environmental rule," as defined in Government Code §2001.0225. As a result, the Commission asserts the preparation of an environmental impact analysis, as provided by §2001.0225, is not required.

Request for Public Comment. The Commission invites comments on the proposal from any member of the public. Please submit comments to Leigh M. Tomlin 1700 North Congress Avenue, Suite 445, Austin, Texas 78701 or leigh@fsc.texas.gov. Comments must be received by June 9, 2025, to be considered by the Commission.

Statutory Authority. The rule amendments are proposed under the general rulemaking authority provided in Code of Criminal Procedure, Article 38.01 §3-a and its authority to license forensic analysts under §4-a(b).

Cross reference to statute. The proposal affects Tex. Code Crim. Proc. art. 38.01.

§651.207. Forensic Analyst and Forensic Technician Licensing Requirements, Including Initial License Term and Fee, Minimum Education and Coursework, General Forensic Examination, Proficiency Monitoring, and Mandatory Legal and Professional Responsibility Training.

(a) **Issuance.** The Commission may issue an individual's Forensic Analyst or Forensic Technician License under this section.

(b) **License Term.** A Forensic Analyst or Forensic Technician license holder must renew the license holder's license after the initial date of issuance, every two years on the day before the issuance of the initial license with the exception of §651.208(b) of this subchapter (relating to Renewal Term).

(c) **Application.** Before being issued a Forensic Analyst or Forensic Technician License, an applicant must:

(1) demonstrate that he or she meets the definition of Forensic Analyst or Forensic Technician set forth in this subchapter;

(2) complete and submit to the Commission a current Forensic Analyst or Forensic Technician License Application form;

(3) pay the required fee(s) as applicable:

(A) Initial Application fee of \$220 for Analysts and \$150 for Technicians/Screeners;

(B) Biennial renewal fee of \$200 for Analyst and \$130 for Technicians/Screeners;

(C) **Pro-rated Fees for Certain License Renewals.** This subsection applies to licensees initially licensed before January 1, 2024 who are renewing on or before December 31, 2026. Application fee of \$220 for Analysts and \$150 for Technicians for the twenty-four months of the Initial License Term. If the Analyst or Technician's renewed license term under §651.208(b) of this subchapter exceeds twenty-four months, the Analyst or Technician shall pay an additional prorated amount of \$8.33 per month (for Analysts) and \$5.42 per month (for Technicians) for each month exceeding two years. If the Analyst or Technician's Initial License Term under §651.208(b) of this subchapter is less than twenty-four months, the Analyst or Technician shall pay a prorated amount of \$8.33 per month (for Analysts) and \$5.42 per month (for Technicians) for each month in the Initial License Term;

(D) Temporary License fee of \$100;

(E) Provisional License fee of \$110 for Analysts and \$75 for Technicians; An applicant who is granted a provisional license and has paid the required fee will not be required to pay an additional initial application fee if the provisional status is removed within one year of the date the provisional license is granted;

(F) License Reinstatement fee of \$220;

(G) *De Minimis* License fee of \$200 per ten (10) licenses;

(H) Uncommon Forensic Analysis License fee of \$200 per ten (10) licenses; and/or

(I) Special Exam Fee of \$50 for General Forensic Analyst Licensing Exam, required only if testing beyond the three initial attempts or voluntarily taking the exam under the Unaccredited Forensic Discipline Exception described in subsection (g)(5)(C) of this section;

(4) provide accurate and current address and employment information to the Commission and update the Commission within five (5) business days of any change in address or change of employment. Licensees are required to provide a home address, email address, and employer name and address on an application for a license. If a forensic analyst or forensic technician departs employment, experiences a gap in employment, is no longer actively performing casework, or temporarily assumes non-forensic analysis, administrative duties from an accredited laboratory, or has ninety (90) days or less to reinstate an expired license pursuant to §651.209(a) of this subchapter (relating to Forensic Analyst and Forensic Technician License Expiration), the licensee's status is deemed inactive and will be designated as inactive in the Commission's online database of licensees, until such time that the licensee notifies the Commission of their employment by an accredited laboratory as a forensic analyst or forensic technician, or has a change in job duties requiring the licensee to resume active casework; and

(5) provide documentation that he or she has satisfied all applicable requirements set forth under this section.

(d) **Minimum Education Requirements.**

(1) **Seized Drugs Analyst.** An applicant for a Forensic Analyst License in seized drugs must have a baccalaureate or advanced degree in chemical, physical, biological science, chemical engineering or forensic science from an accredited university.

(2) **Seized Drugs Technician.** An applicant for a Forensic Analyst License limited to the seized drug technician category must have a minimum of an associate's degree or equivalent.

(3) **Toxicology (Toxicology Analyst (Alcohol Only, Non-interpretive), Toxicology Analyst (General, Non-interpretive), Toxi-**

cologist (Interpretive)). An applicant for a Forensic Analyst License in toxicology must have a baccalaureate or advanced degree in a chemical, physical, biological science, chemical engineering or forensic science from an accredited university.

(4) Toxicology Technician. An applicant for a Forensic Analyst License limited to the toxicology technician category must have a minimum of an associate's degree or equivalent.

(5) Forensic Biology (DNA Analyst, Forensic Biology Screener, Nucleic Acids other than Human DNA Analyst, Forensic Biology Technician). An applicant for any category of forensic biology license must have a baccalaureate or advanced degree in a chemical, physical, biological science or forensic science from an accredited university.

(6) Firearm/Toolmark Analyst. An applicant for a Forensic Analyst License in firearm/toolmark analysis must have a baccalaureate or advanced degree in a chemical, physical, biological science, engineering or forensic science from an accredited university.

(7) Firearm/Toolmark Technician. An applicant for a Forensic Analyst License limited to firearm/toolmark technician must have a minimum of a high school diploma or equivalent degree.

(8) Materials (Trace) Analyst. An applicant for a Forensic Analyst License in materials (trace) must have a baccalaureate or advanced degree in a chemical, physical, biological science, chemical engineering or forensic science from an accredited university. A Materials (Trace) Analyst performing only impression evidence analyses must have a minimum of a high school diploma or equivalent degree.

(9) Materials (Trace) Technician. An applicant for a Forensic Analyst License limited to materials (trace) technician must have a minimum of a high school diploma or equivalent degree.

(10) Foreign/Non-U.S. degrees. The Commission shall recognize equivalent foreign, non-U.S. baccalaureate or advanced degrees. The Commission reserves the right to charge licensees a reasonable fee for credential evaluation services to assess how a particular foreign degree compares to a similar degree in the United States. The Commission may accept a previously obtained credential evaluation report from an applicant or licensee in fulfillment of the degree comparison assessment.

(11) If an applicant does not meet the minimum education qualifications outlined in this section, the procedure in subsection (f) or (j) of this section applies.

(e) Specific Coursework Requirements.

(1) Seized Drugs Analyst. An applicant for a Forensic Analyst License in seized drugs must have a minimum of sixteen-semester credit hours (or equivalent) in college-level chemistry coursework above general coursework from an accredited university. In addition to the chemistry coursework, an applicant must also have a three-semester credit hour (or equivalent) college-level statistics course from an accredited university or a program approved by the Commission.

(2) Toxicology. An applicant for a Forensic Analyst License in toxicology must fulfill required courses as appropriate to the analyst's role and training program as described in the categories below:

(A) Toxicology Analyst (Alcohol Only, Non-interpretive). A toxicology analyst who conducts, directs or reviews the alcohol analysis of forensic toxicology samples, evaluates data, reaches conclusions and may sign a report for court or investigative purposes, but does not provide interpretive opinions regarding human

performance must complete a minimum of sixteen-semester credit hours (or equivalent) in college-level chemistry coursework above general coursework from an accredited university.

(B) Toxicology Analyst (General, Non-interpretive). A toxicology analyst who conducts, directs or reviews the analysis of forensic toxicology samples, evaluates data, reaches conclusions and may sign a report for court or investigative purposes, but does not provide interpretive opinions regarding human performance, must complete a minimum of sixteen-semester credit hours (or equivalent) in college-level chemistry coursework above general coursework that includes organic chemistry and two three-semester credit hour (or equivalent) college-level courses in analytical chemistry and/or interpretive science courses that may include Analytical Chemistry, Chemical Informatics, Instrumental Analysis, Mass Spectrometry, Quantitative Analysis, Separation Science, Spectroscopic Analysis, Biochemistry, Drug Metabolism, Forensic Toxicology, Medicinal Chemistry, Pharmacology, Physiology, or Toxicology.

(C) Toxicologist (Interpretive). A toxicologist who provides interpretive opinions regarding human performance related to the results of toxicological tests (alcohol and general) for court or investigative purposes must complete a minimum of sixteen-semester credit hours (or equivalent) in college-level chemistry coursework above general coursework that includes organic chemistry, one three-semester credit hour (or equivalent) course in college-level analytical chemistry (Analytical Chemistry, Chemical Informatics, Instrumental Analysis, Mass Spectrometry, Quantitative Analysis, Separation Science or Spectroscopic Analysis) and one three-semester credit hour (or equivalent) college-level courses in interpretive science. (Biochemistry, Drug Metabolism, Forensic Toxicology, Medicinal Chemistry, Pharmacology, Physiology, or Toxicology).

(D) An applicant for a toxicology license for any of the categories outlined in subparagraphs (A) - (C) of this paragraph must have a three-semester credit hour (or equivalent) college-level statistics course from an accredited university or a program approved by the Commission.

(3) DNA Analyst. An applicant for a Forensic Analyst License in DNA analysis must demonstrate he/she has fulfilled the specific coursework requirements of the Federal Bureau of Investigation's Quality Assurance Standards for Forensic DNA Testing Laboratories effective at the time of the individual's application [September 1, 2014]. An applicant must also have a three-semester credit hour (or equivalent) college-level statistics course from an accredited university or a program approved by the Commission.

(4) Firearm/Toolmark Analyst. An applicant must have a three-semester credit hour (or equivalent) college-level statistics course from an accredited university or a program approved by the Commission. No other specific college-level coursework is required.

(5) Materials (Trace) Analyst. An applicant for a Forensic Analyst License in materials (trace) for one or more of the chemical analysis categories of analysis (chemical determination, physical/chemical comparison, gunshot residue analysis, and fire debris and explosives analysis) must have a minimum of sixteen-semester credit hours (or equivalent) in college-level chemistry coursework above general coursework from an accredited university. In addition to chemistry coursework for the chemical analysis categories, all materials (trace) license applicants must also have a three-semester credit hour (or equivalent) college-level statistics course from an accredited university or a program approved by the Commission. An applicant for a Forensic Analyst License in materials (trace) limited to impression evidence is not required to fulfill any specific college-level coursework requirements other than the statistics requirement.

(6) Exemptions from specific coursework requirements. The following categories of licenses are exempted from coursework requirements:

(A) An applicant for the technician license category of any forensic discipline set forth in this subchapter is not required to fulfill any specific college-level coursework requirements.

(B) An applicant for a Forensic Analyst License limited to forensic biology screening, nucleic acids other than human DNA and/or Forensic Biology Technician is not required to fulfill the Federal Bureau of Investigation's Quality Assurance Standards for Forensic DNA Testing or any other specific college-level coursework requirements.

(f) Requirements Specific to Forensic Science Degree Programs. For a forensic science degree to meet the Minimum Education Requirements set forth in this section, the forensic science degree program must be either accredited by the Forensic Science Education Programs Accreditation Commission (FEPAC) or if not accredited by FEPAC, it must meet the minimum curriculum requirements pertaining to natural science core courses and specialized science courses set forth in the FEPAC Accreditation Standards.

(g) Waiver of Specific Coursework Requirements and/or Minimum Education Requirements for Lateral Hires, Promoting Analysts and Current Employees. Specific coursework requirements and minimum education requirements are considered an integral part of the licensing process; all applicants are expected to meet the requirements of the forensic discipline(s) for which they are applying or to offer sufficient evidence of their qualifications as described below in the absence of specific coursework requirements or minimum education requirements. The Commission Director or Designee may waive one or more of the specific coursework requirements or minimum education requirements outlined in this section for an applicant who:

(1) has five or more years of credible experience in an accredited laboratory in the forensic discipline for which he or she seeks licensure; or

(2) is certified by one or more of the following nationally recognized certification bodies in the forensic discipline for which he or she seeks licensure;

- (A) The American Board of Forensic Toxicology;
- (B) The American Board of Clinical Chemistry;
- (C) The American Board of Criminalistics;
- (D) The International Association for Identification; or
- (E) The Association of Firearm and Toolmark Examiners; and

(3) provides written documentation of laboratory-sponsored training in the subject matter areas addressed by the specific coursework requirements.

(4) An applicant must request a waiver of specific coursework requirements and/or minimum education requirements at the time the application is filed.

(5) An applicant requesting a waiver from specific coursework requirements and/or minimum education requirements shall file any additional information needed to substantiate the eligibility for the waiver with the application. The Commission Director or Designee shall review all elements of the application to evaluate waiver request(s) and shall grant a waiver(s) to qualified applicants.

(h) General Forensic Analyst Licensing Exam Requirement.

(1) Exam Requirement. An applicant for a Forensic Analyst License must pass the General Forensic Analyst Licensing Exam administered by the Commission.

(A) An applicant is required to take and pass the General Forensic Analyst Licensing Exam one time.

(B) An applicant may take the General Forensic Analyst Licensing Exam no more than three times. If an applicant fails the General Forensic Analyst Licensing Exam or the Modified General Forensic Analyst Licensing Exam three times, the applicant has thirty (30) days from the date the applicant receives notice of the failure to request special dispensation from the Commission as described in subparagraph (C) of this paragraph. Where special dispensation is granted, the applicant has 90 days from the date he or she receives notice the request for exam is granted to successfully complete the exam requirement. However, for good cause shown, the Commission or its Designee at its discretion may waive this limitation.

(C) Requests for Exam. If an applicant fails the General Forensic Analyst Licensing Exam or Modified General Forensic Analyst Licensing Exam three times, the applicant must request in writing special dispensation from the Commission to take the exam more than three times. Applicants may submit a letter of support from their laboratory director or licensing representative and any other supporting documentation supplemental to the written request.

(D) If an applicant sits for the General Forensic Analyst Licensing Exam or the Modified General Forensic Analyst Licensing Exam more than three times, the applicant must pay a \$50 exam fee each additional time the applicant sits for the exam beyond the three initial attempts.

(E) Expiration of Provisional License if Special Dispensation Exam Unsuccessful. If the 90-day period during which special dispensation is granted expires before the applicant successfully completes the exam requirement, the applicant's provisional license expires.

(2) Modified General Forensic Analyst Licensing Exam. Technicians in any discipline set forth in this subchapter may fulfill the General Forensic Analyst Licensing Exam requirement by taking a modified exam administered by the Commission.

(3) Examination Requirements for Promoting Technicians. If a technician passes the modified General Forensic Analyst Licensing Exam and later seeks a full Forensic Analyst License, the applicant must complete the portions of the General Forensic Analyst Exam that were not tested on the modified exam.

(4) Credit for Pilot Exam. If an individual passes the Pilot General Forensic Analyst Licensing Exam, regardless of his or her eligibility status for a Forensic Analyst License at the time the exam is taken, the candidate has fulfilled the General Forensic Analyst Licensing Exam Requirement of this section should he or she later become subject to the licensing requirements and eligible for a Forensic Analyst License.

(5) Eligibility for General Forensic Analyst Licensing Exam and Modified General Forensic Analyst Licensing Exam.

(A) Candidates for the General Forensic Analyst Licensing Exam and Modified General Forensic Analyst Licensing Exam must be employees of a crime laboratory accredited under Texas law or employed by an agency rendering them eligible for a voluntary license under §651.222 (*Voluntary Forensic Analyst Licensing Requirements Including Eligibility, License Term, Fee, and Procedure for Denial of Initial Application or Renewal Application and Reconsideration*) of this subchapter to be eligible to take the exam.

(B) Student Examinee Exception. A student is eligible for the General Forensic Analyst Licensing Exam one time if the student:

(i) is currently enrolled in an accredited university as defined in §651.202 of this subchapter (relating to Definitions);

(ii) has completed sufficient coursework to be within 24 semester hours of completing the requirements for graduation at the accredited university at which the student is enrolled; and

(iii) designates an official university representative who will proctor and administer the exam at the university for the student.

(C) Crime Laboratory Management and Unaccredited Forensic Discipline Exception. An Employee of a crime laboratory accredited under Texas law who is either part of the crime laboratory's administration or management team or authorized for independent casework in a forensic discipline listed below is eligible for the General Forensic Analyst Licensing Exam and Modified General Forensic Analyst Licensing Exam:

(i) forensic anthropology;

(ii) the location, identification, collection or preservation of physical evidence at a crime scene;

(iii) crime scene reconstruction;

(iv) latent print processing or examination;

(v) digital evidence (including computer forensics, audio, or imaging);

(vi) breath specimen testing under Transportation Code, Chapter 724, limited to analysts who perform breath alcohol calibrations; and

(vii) document examination, including document authentication, physical comparison, and product determination.

(i) Proficiency Monitoring Requirement.

(1) An applicant must demonstrate participation in the employing laboratory's process for intra-laboratory comparison, inter-laboratory comparison, proficiency testing, or observation-based performance monitoring requirements in compliance with and on the timeline set forth by the laboratory's accrediting body's proficiency monitoring

requirements as applicable to the Forensic Analyst or Forensic Technician's specific forensic discipline and job duties.

(2) A signed certification by the laboratory's authorized representative that the applicant has satisfied the applicable proficiency monitoring requirements, including any intra-laboratory comparison, inter-laboratory comparison, proficiency testing, or observation-based performance monitoring requirements of the laboratory's accrediting body as of the date of the analyst's application, must be provided on the Proficiency Monitoring Certification form provided by the Commission. The licensee's authorized representative must designate the specific forensic discipline in which the Forensic Analyst or Forensic Technician actively performs forensic casework or is currently authorized to perform supervised or independent casework by the laboratory or employing entity.

(j) Mandatory Legal and Professional Responsibility Course:

(1) All Forensic Analyst and Forensic Technician License applicants must complete the current Commission-sponsored mandatory legal and professional responsibility update at the time of their application or demonstrate that they have taken the training within the 12-month period preceding the date of their application.

(2) Mandatory legal and professional responsibility training topics may include training on current and past criminal forensic legal issues, professional responsibility and human factors, courtroom testimony, disclosure and discovery requirements under state and federal law, and other relevant topics as designated by the Commission.

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

Filed with the Office of the Secretary of State on April 22, 2025.

TRD-202501299

Leigh M. Tomlin

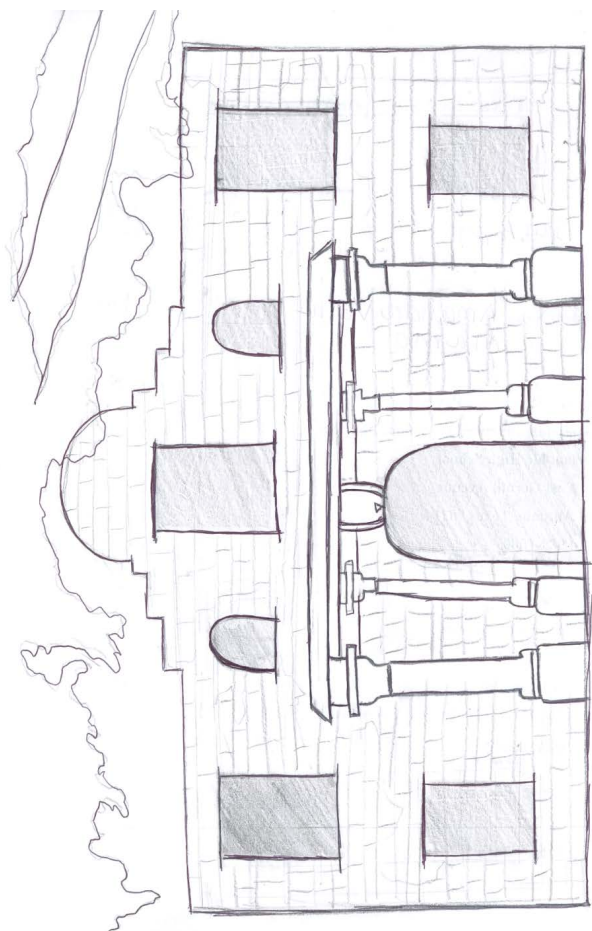
Associate General Counsel

Texas Forensic Science Commission

Earliest possible date of adoption: June 8, 2025

For further information, please call: (512) 936-0770

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WITHDRAWN RULES

Withdrawn Rules include proposed rules and emergency rules. A state agency may specify that a rule is withdrawn immediately or on a later date after filing the notice with the Texas Register. A proposed rule is withdrawn six months after the date of publication of the proposed rule in the Texas Register if a state agency has failed by that time to adopt, adopt as amended, or withdraw the proposed rule. Adopted rules may not be withdrawn. (Government Code, §2001.027)

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

PART 7. TEXAS COMMISSION ON LAW ENFORCEMENT

CHAPTER 217. ENROLLMENT, LICENSING, APPOINTMENT, AND SEPARATION

37 TAC §217.7

The Texas Commission on Law Enforcement withdraws proposed amendments to 37 Texas Administrative Code §217.7

which appeared in the January 31, 2025, issue of the *Texas Register* (50 TexReg 644).

Filed with the Office of the Secretary of State on April 24, 2025.

TRD-202501337

Gregory Stevens

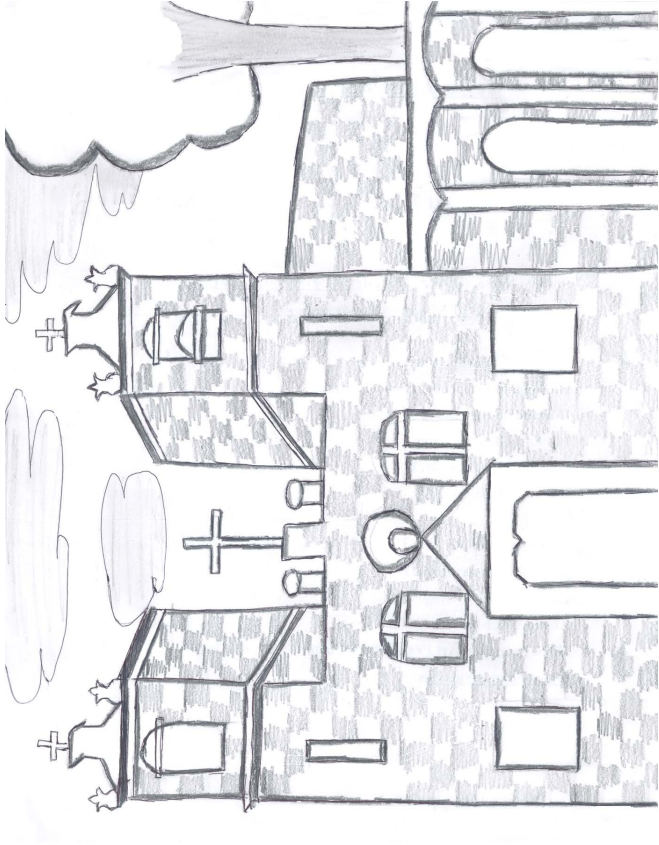
Executive Director

Texas Commission on Law Enforcement

Effective date: April 24, 2025

For further information, please call: (512) 936-7700

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ADOPTED RULES

Adopted rules include new rules, amendments to existing rules, and repeals of existing rules. A rule adopted by a state agency takes effect 20 days after the date on which it is filed with the Secretary of State unless a later date is required by statute or specified in the rule (Government Code, §2001.036). If a rule is adopted without change to the text of the proposed rule, then the *Texas Register* does not republish the rule text here. If a rule is adopted with change to the text of the proposed rule, then the final rule text is included here. The final rule text will appear in the Texas Administrative Code on the effective date.

TITLE 13. CULTURAL RESOURCES

PART 1. TEXAS STATE LIBRARY AND ARCHIVES COMMISSION

CHAPTER 1. LIBRARY DEVELOPMENT

SUBCHAPTER C. MINIMUM STANDARDS

FOR ACCREDITATION OF LIBRARIES IN THE STATE LIBRARY SYSTEM

13 TAC §§1.70 - 1.82

The Texas State Library and Archives Commission (commission) adopts new Texas Administrative Code, Title 13, Chapter 1, Subchapter C, §1.70, Purpose and Scope; §1.71, Definitions; §1.72, Legal Service Area; §1.73, Public Library Services; §1.74, Public Library: Legal Establishment; §1.75, Local Operating Expenditures; §1.76, Quantitative Standards for Accreditation of a Library; §1.77, Other Operational Requirements; §1.78, Annual Report; §1.79, Emergency Waiver of Accreditation Criteria; §1.80, Conditional Accreditation of a Library; §1.81, Loss of Accreditation; and §1.82, Appeal of Accreditation Determination. Sections 1.70, 1.74, 1.78, 1.79, 1.81, and 1.82 are adopted without changes to the proposed text as published in the November 15, 2024, issue of the *Texas Register* (49 TexReg 9149) and will not be republished. Sections 1.71 - 1.73, 1.75 - 1.77, and 1.80 are adopted with changes and will be republished.

EXPLANATION OF NEW SECTIONS. To become accredited or maintain accreditation, public libraries must submit an annual report to the commission demonstrating they have met each of the accreditation criteria in rule. Each annual report includes information from the preceding local fiscal year and is due during the calendar year following the conclusion of the local fiscal year. If all accreditation criteria are met, the public library will then be accredited for the next state fiscal year. The adopted new sections will apply to information from local fiscal year 2026, which will be reported during spring of 2027, for accreditation for state fiscal year 2028. The proposed new sections will become effective September 1, 2025.

New §1.70, Purpose and Scope, establishes the commission's responsibilities related to accreditation and describes the purpose and scope of the new subchapter. The new section clarifies that accreditation is designed to establish the minimum criteria a library must meet to take advantage of certain programs offered by the commission. The new section also clarifies that the annual report described in new §1.78 (relating to Annual Report) is the mechanism by which accreditation criteria are reviewed and accreditation is awarded.

New §1.71, Definitions, defines terms used throughout the subchapter. A change on adoption adds the requirement of at least

one public access computer to the definition of public library. This is not a new requirement.

New §1.72, Legal Service Area, notes that a public library's legal service area is based on the source(s) of local government funding for the library and the population assigned according to the rule. A change on adoption adds a hyphen to "population-served."

New §1.73, Public Library Services, lists the services a public library must provide to the general public without charge. Changes on adoption note that the rules do not prohibit a library from establishing policies, including the imposition of fees and terms, under which borrowing privileges may be extended to individuals living outside of the library's legal service area. In addition, the rule as adopted requires a library to make a good faith effort to allow use of computers and other technology without charge. The rule as adopted also notes that library entities contracted with school districts to provide library services to the general public must enter into an agreement that establishes the policies each library facility must adhere to, including all applicable state laws and regulations. Finally, the rule requires a public library to certify annually that no person shall be excluded from participation in or denied the benefits of the appropriate services of that library in accordance with federal law.

New §1.74, Public Library: Legal Establishment, is a revision of previous §1.73 (relating to Public Library: Legal Establishment). This section explains how a public library must be established, with minor wording changes from the previous rule.

New §1.75, Local Operating Expenditures, is a revision of previous §1.74 (relating to Local Operating Expenditures). The rule adds a new subsection requiring that at least half of the annual local operating expenditures required to meet the minimum level of per capita support for accreditation be from local government sources. The adopted rule increases total local expenditures to at least \$24,000 in local fiscal years 2026, 2027, and 2028; at least \$27,000 in local fiscal years 2029, 2030, and 2031, and at least \$30,000 in local fiscal years 2032, 2033, and 2034. Additional revisions to this section exempt a library from these accreditation criteria if it expends at least \$22.00 per capita and either shows evidence that it is open to the public under identical conditions without charge or that it expends at least \$200,000 of local funds. Changes on adoption rearrange the sections and add cross-references for clarity.

New §1.76, Quantitative Standards for Accreditation of a Library, is a revision of previous §1.81 (relating to Quantitative Standards for Accreditation of Library). The new rule clarifies that a public library must meet the quantitative standards for accreditation in addition to the other requirements of the subchapter. Revisions to the previous rule also restructure and simplify the section, grouping standards applicable to all libraries together rather than repeating standards multiple times throughout the

rule. The funding amounts in the rule are intended only to set a basic level of funding, with communities encouraged to fund their libraries to the capacity desired to achieve all local goals. Changes on adoption add an "a" to the rule title, correct a typographical error, change "%" to "percent," and simplify the language in §1.76(h)(4).

New §1.77, Other Operational Requirements, updates and modernizes language of previous §1.83 (relating to Other Requirements), as well as adds email address to the required contact information. The rule includes a new requirement that a library maintain policies addressing circulation, collection development, technology use, and information security and privacy, and make those policies available to the public. Changes on adoption simplify the first sentence and change "board" to "authority."

New §1.78, Annual Report, states that to be eligible for accreditation, a public library must submit an annual report to the commission by the established deadline or the library will automatically lose accreditation for the upcoming state fiscal year and be ineligible for certain commission services and programs.

New §1.79, Emergency Waiver of Accreditation Criteria, is the same language previously found at §1.87 (relating to Emergency Waiver of Accreditation Criteria). This section authorizes waiver of one or more accreditation criteria if a library shows good cause for failure to meet the criteria.

New §1.80, Conditional Accreditation of a Library, replaces previous §1.79 (relating to Provisional Accreditation of Library) and previous §1.80 (relating to Probational Accreditation of Library). This section establishes one simple process for the granting of temporary accreditation when a library fails to meet one criterion in the quantitative standards in §1.76. The maximum length of time a library may be conditionally accredited is three years. A change on adoption corrects punctuation.

New §1.81, Loss of Accreditation, outlines what might cause a library to lose accreditation, how the process will work, and what loss of accreditation means. If a library loses accreditation, it will not be accredited for the next state fiscal year and will not have access to certain commission services during that year. If the commission determines that a library does not meet the criteria for accreditation at any time during the accreditation year, the commission will notify the library in writing of the potential loss of accreditation. On notification of potential loss of accreditation, a library may be able to come into compliance, choose to be unaccredited, or appeal the determination. The new section also provides that if a library does not file its annual report by the established deadline, it will automatically lose accreditation for the upcoming state fiscal year. If a library is unaccredited for the year in question but wishes to be considered for accreditation in subsequent years, it must continue to submit an annual report. In all cases, a library must continue to submit an annual report to continue receiving certain minimum services.

New §1.82, Appeal of Accreditation Determination, establishes the process for how a library may appeal the loss of accreditation. The library may first appeal to the Library Systems Act Advisory Board (LSA Board) and must include a formal letter of appeal to the director of the Library Development and Networking Division. The LSA Board will consider the matter at a meeting and make a recommendation on the appeal to the director and librarian, who will make a final determination. If the library does not agree with the director and librarian's determination, the library may appeal to the Commission following the requirements of §2.55, Protest Procedure.

SUMMARY OF COMMENTS. The commission received 27 comments during the comment period, one of which is from an organization, the Texas Library Association (TLA). The remaining comments were submitted by individuals.

The following comments relate to the rules generally:

COMMENT: One individual suggested changing the language of governing board to board or city leadership, as many libraries operate at the direction of the city manager form of government.

RESPONSE: The commission notes that in most cases in the rules the term "governing authority" is used, which would include any form of governance of a library, including city manager form of government. The commission does note that in proposed §1.77 (relating to Other Operational Requirements) the term "governing board" was used. The commission updates that term to "governing authority" on adoption for consistency.

COMMENT: One individual expressed a general concern that small community libraries will not be able to meet the standards and requested reconsideration of the accreditation standards that will end up excluding small community libraries from the support they so desperately need.

RESPONSE: The commission notes that the proposed standards were designed so that the vast majority of libraries (at least 95%) are already in compliance with the standards and the remaining currently accredited libraries should be able to meet the standards without much difficulty. With an implementation time of two years, all libraries should have ample time to meet the standards.

The following comment relates to §1.70, Purpose and Scope:

COMMENT: One individual noted that §1.70(b) states that accreditation is not intended to evaluate the adequacy of a library's staff, budget, or resources, while §1.71(1) implies that accreditation reflects on library resources and operations, creating a contradiction. The individual suggested both sections be clarified.

RESPONSE: The commission notes that the criteria provide a baseline to assess minimum standards for quantitative measures for funding, circulation, and materials, for instance. The accreditation criteria do not reflect a qualitative assessment of the library's operations or overall adequacy in satisfying community needs. The commission believes that the definition of "accreditation" in §1.71(1) ("the process by which a library is accredited by the Texas State Library and Archives Commission as having met the standards in this subchapter") aligns with the statement in §1.70(b) ("[t]he accreditation process is designed to establish the minimum criteria a library must meet if the library wishes to take advantage of certain programs offered by the commission") and declines to make a change in response to this comment.

The following comment relates to §1.71, Definitions:

COMMENT: One individual expressed appreciation for the broadening of the definition of "professional librarian" in §1.71 to include a person with a master's degree or comparable certification in library or information studies from any accredited program, not just a program approved by the American Library Association.

RESPONSE: The commission appreciates the support for this change.

The following comments relate to §1.73, Public Library Services:

COMMENT: Several individuals submitted comments related to charges, specifically asking the commission to clarify whether charges would be allowed for the following: 3D paper filament, vinyl for Cricut projects, and other makerspace materials like special paper and wood.

RESPONSE: The commission notes that the rules do not prohibit a library from charging for materials that the library supplies patrons with local funds. In addition, the commission is modifying this section on adoption to list only those services that must be provided free of charge. Decisions regarding charges for any other library services shall be made locally.

COMMENT: One individual commented that the prohibition on charging for programming severely limits and hinders small, rural libraries that have little to no budget for programming. The individual noted that allowing libraries to recoup costs for supplies, for example, would enable these libraries to expand their reach in the community and offer more programming. This individual suggested the addition of wording authorizing libraries serving a demographic under a certain size (e.g., 10,000 or 25,000) to charge a fee for certain types of programming that requires supplies or specialty programming that requires paying an instructor (e.g., after-hours computer classes).

RESPONSE: As noted above, the commission is modifying this section on adoption to list only those services that must be provided free of charge. Decisions regarding charges for any other library services shall be made locally.

COMMENT: One individual noted in a webinar that TSLAC stated asking users to pay for program materials is prohibited under the rule, but that is not stated explicitly in the rule.

RESPONSE: As noted above, the commission is modifying this section on adoption to list only those services that must be provided free of charge. Decisions regarding charges for any other library services shall be made locally.

COMMENT: One individual requested clarification as to whether the rule would allow charges for the use of laptops, a library of "things," and other items that are normally reserved for residents due to expense and limited supply.

RESPONSE: As noted above, the commission is modifying this section on adoption to list only those services that must be provided free of charge. Decisions regarding charges for any other library services shall be made locally.

COMMENT: One individual suggested that the rule specifically allow libraries to charge for fundraising events.

RESPONSE: As noted above, the commission is modifying this section on adoption to list only those services that must be provided free of charge. Decisions regarding charges for any other library services shall be made locally. The rules do not affect a local jurisdiction's decisions regarding charges for fundraising events.

COMMENT: One individual requested clarification on whether the rules would allow libraries to charge for summer programs, noting they do not charge resident or non-resident children to participate in the weekly summer programs, but in order for children (resident or non-resident) to participate, they must have a library card.

RESPONSE: As noted above, the commission is modifying this section on adoption to list only those services that must be provided free of charge. Decisions regarding charges for any other library services shall be made locally. However, the commis-

sion does note that programs that are paid for in whole or part by state-awarded funds must be provided free of charge. Therefore, if the materials for a library's summer reading program were paid for with state-awarded funds, a library must provide those materials free of charge.

COMMENT: One individual provided comment about the state setting guidelines on access to resources that are provided by local funding, noting that access to the facility and use of resources within the library should be a decision for the city to address the demand on their resources and their specific costs and access criteria needs.

RESPONSE: The commission notes that new §1.73(6) clarifies that only the use of onsite resources that do not have to be reserved must be provided free of charge. In addition, as noted above, the commission is modifying this section on adoption to list only those services that must be provided free of charge. Decisions regarding charges for any other library services shall be made locally.

COMMENT: One individual requested that "borrowing privileges" be clarified so that it cannot be interpreted that all libraries must offer free borrowing privileges to everyone regardless of residency. The individual noted that the decision to charge for non-resident cards should be a local decision based on local expectations and demands.

RESPONSE: In response to other comments, the commission is modifying the language of §1.73 to specify only those services that must be provided free of charge. One such change is circulation of materials to those with borrowing privileges who reside in the library's legal service area. While the commission encourages libraries to make more services available to the public regardless of a person's residency, the rule as adopted will leave the decision on whether to charge nonresidents for borrowing privileges up to the library and its governing authority. The commission believes these changes address the commenter's concern regarding clarification of "borrowing privileges."

COMMENT: TLA noted that §1.73(c)(2) and (c)(3) require libraries to circulate and reserve materials without charge regardless of residency to those with borrowing privileges and §1.73(e) allows a public library to charge nonresidents for borrowing privileges, which may include reserving materials and access to library programming. TLA requested clarification of the language in (c)(2) and (c)(3) to reference (e) to avoid any confusion about the library's ability to charge nonresidents for borrowing privileges.

RESPONSE: As noted above, the commission is modifying this section on adoption to list only those services that must be provided free of charge. Decisions regarding charges for any other library services shall be made locally.

COMMENT: One individual suggested the rule specify what must be provided free of charge to cardholders and not specify what can be charged, as this would allow for more creativity and flexibility for cities to find revenue sources. Another individual similarly suggested the section include only a list of services that should remain free of charge while maintaining the autonomy of each library system to collect revenue in the way that is most beneficial for their current service model.

RESPONSE: The commission appreciates these comments and is changing the rule on adoption to list only those services that must be provided free of charge. Decisions regarding charges for any other library services shall be made locally.

COMMENT: Three individuals raised questions regarding charging non-residents for borrowing materials. One individual commented that §1.73(a), which mandates free services regardless of residency, conflicts with §1.73(e), which permits charging for borrowing privileges. Another individual commented that §1.73 is contradictory in stating that services must be provided without charge regardless of a person's residency but includes limitation to circulation and reserving of library materials to those with borrowing privileges. This individual suggested deletion of §1.73(c)(2), (3), (5), and (7).

RESPONSE: As noted above, the commission is modifying this section on adoption to list only those services that must be provided free of charge. Decisions regarding charges for other library services not listed shall be made locally.

COMMENT: One individual suggested the rule include language explicitly permitting differentiation among borrower types, such as age, residency, or other criteria.

RESPONSE: The commission declines to make a change in response to this comment. Decisions regarding differentiation among borrower types shall be made locally.

COMMENT: One individual suggested deletion of §1.73(c)(2), (3), and (5), deletion of the language "which may include reserving and access to library programming" from §1.73(e), and addition of a new §1.73(d)(10), "Use of materials in conjunction with makerspace equipment and technology."

RESPONSE: As noted above, the commission is modifying §1.73 on adoption to list only those services that must be provided free of charge. Use of computers is not included in this list. The commission is also clarifying on adoption that circulation and reserving of materials must be provided free of charge to those with borrowing privileges who reside in the library's legal service area. The commission is deleting proposed §1.73(e) on adoption, so decisions regarding services to nonresidents remains local. Finally, the rules do not require that materials used in conjunction with makerspace equipment and technology be provided free of charge. Because the rule does not list what services a library may charge for, the recommended addition to §1.73(d) is unnecessary.

COMMENT: One individual asked whether a library could limit use of popular meeting rooms to county residents.

RESPONSE: The accreditation rules were designed to work in alignment with a public library's policies and procedures. As such, a decision regarding limiting use of popular meeting rooms to county residents is a policy decision for the library not impacted by these rules.

COMMENT: One individual noted that most TexShare cards have restricted borrowing privileges for those outside the usual service area and asked if all accredited libraries have to give anyone who asks a full privilege card, what is the point of a TexShare card? Another individual commented that with Interlibrary Loan (ILL) and TexShare, the library does not loan certain items out. Two individuals requested clarification on the difference between a TexShare card, ILL, and a regular card for borrowing privileges.

RESPONSE: A TexShare card is a library card that allows a patron to borrow materials from other participating libraries across the state. Each library electing to participate in the TexShare card program sets its own eligibility and lending policies. The statewide interlibrary loan program (ILL) allows libraries to request items for their patrons from other libraries across the state.

The accreditation rules do not give any additional borrowing authority to or change the working parameters a library feels are best for ILL or TexShare. Both of these programs have their own rules and guidelines in place, and the accreditation rules do not conflict with those programs. The commission does not believe a change is necessary in response to this comment as the guidelines for the TexShare card program and ILL are clear.

COMMENT: TLA commented that materials in a library may also be circulated or reserved via ILL or TexShare cards and noted that libraries may limit what materials will be loaned via these two services. TLA requested clarification that the requirements in these two sections only apply to borrowing and reserving privileges of those holding a regular library card, not to ILL or TexShare cards.

RESPONSE: As noted in response to the comment above, the commission does not believe a change is necessary in response to this comment, as the accreditation rules do not give any additional borrowing authority to or change the working parameters a library feels are best for ILL or TexShare. Both of those programs have their own rules and guidelines in place, and the accreditation rules do not conflict with those programs.

COMMENT: One individual commented that the standards proposed in §1.73 about what a library may charge for versus what they must provide free of charge attempt to usurp the decision-making power of locally elected and appointed leaders, noting that these decisions should be made locally as the local community is best suited to determine the expenditures funded through local taxes.

RESPONSE: As noted above, the commission is modifying this section on adoption to list only those services that must be provided free of charge. Decisions regarding charges for any other library services shall be made locally.

COMMENT: One individual asked whether limiting programs to library members would be equated with charging admission, which is prohibited under the proposed standards. They note that limiting admission is one way to ensure the local community is able to access the resources supported by their tax dollars.

RESPONSE: The rule as adopted only requires that admission to the facility be free of charge. Libraries may make their own decisions regarding limiting access to library programs or charging for those programs in line with these rules and the library's policies.

COMMENT: One individual commented that §1.73(b) was unreasonable, noting that it would be very difficult for libraries to comply and would have a real economic impact on staff time, additional physical shelving, managing multiple ILS, etc. This would result in more limited service for children using the public library as regular residents. The individual suggested the language "Libraries and the school systems will have an agreement in place on library policy" or something similar as this would allow each community to follow the interlocal agreement to set policy. Similarly, TLA commented that the requirement in §1.73(b) that libraries meet any policy requirements for K-12 school environments in addition to the public library requirement would create significant barriers to public and school library partnerships, as not all policy requirements in the K-12 school environment are applicable to public libraries. TLA suggested modifying the language to allow the district and the library to develop a functional agreement that meets the needs of both entities: "Libraries and school districts will have an agreement in place that establishes the policies each must adhere to."

RESPONSE: In response to these comments, the commission is modifying the language of this section on adoption to read "(b) Library entities contracted with school districts to provide library services to the general public residing in the school district must provide services in addition to that provided to school students, faculty, and staff. The library and the school district must enter into an agreement that establishes the policies each facility must adhere to, including all applicable state laws and regulations. Public library services must be provided at least the required number of hours all weeks of the year, except those weeks with national or state holidays."

COMMENT: One individual asked whether the rule would allow a library to restrict certain collections within the library. Another individual noted that many high-cost materials, both physical and digital, are restricted to residents due to budgetary constraints. This individual recommended the rule maintain flexibility for libraries to restrict access to high-cost or limited resources, ensuring fair allocation of resources funded by local taxpayers.

RESPONSE: The accreditation rules were designed to work in alignment with a public library's policies and procedures. As such, a decision regarding restricting certain collections within the library or restricting access to high-cost or limited resources are policy decisions for the library.

COMMENT: One individual commented that offering database use free of charge is cost prohibitive as some resources are cost per use basis, or based on a service population that would greatly expand if required to offer to all. Another individual asked what a library would do about database services that require the library to limit use to cardholders under the license agreement.

RESPONSE: The rule as proposed acknowledged that free computer use would be subject to local license agreements. However, the commission is also changing the rule to only require a public library to make a good faith effort to allow use of computers and other technology to access information sources, databases, or other similar services as allowed by local license agreements, to the general public without charge, regardless of the person's residency. This change should resolve the concerns in the comment.

COMMENT: Two individuals requested clarification on what is considered circulation of materials; specifically, whether this includes digital items.

RESPONSE: Circulation of digital items is a local decision based on local policies and applicable license agreements. The commission encourages transparency so that patrons are informed about their borrowing privileges, whether they are residents or non-residents. Libraries are free to set policies they find appropriate for their community. However, state-provided digital materials must be freely available to all patrons with borrowing privileges. The commission declines to make a change in response to this comment.

COMMENT: One individual requested clarification on the definition of "reserving" materials, noting only residents can place holds via ILS while non-residents may call to have an item "saved" if it is available. This individual recommended allowing libraries to maintain existing hold policies based on their service capacity and budget constraints.

RESPONSE: The commission does not find it necessary to define "reserving" materials and declines to make a change in response to this comment. The accreditation rules were designed to work in alignment with a public library's policies and proce-

dures. As such, a decision regarding reserving materials is a policy decision for the library.

COMMENT: The commission received 14 comments from individuals and one from TLA related to computer use. One individual specifically asked whether a library could charge for computer use.

RESPONSE: In response to many of the comments expressing concern over requiring a library to provide access to computers free of charge, the commission is making a change on adoption. The rules as adopted only require a library to make a good faith effort to allow use of computers and other technology to access information sources, databases, or other similar services as allowed by local license agreements, to the general public without charge, regardless of the person's residency.

COMMENT: Three individuals requested clarification on whether the rules would prohibit requiring identification before using computers. One individual specifically noted the difficulty in tracking use of computer resources and enforcing the computer use policy. As an example, the commenter noted that if users are not identified, they may take advantage of multiple computer sessions per day. Another individual asked if a library would be allowed to require government-issued ID and proof of address, noting as stewards of the city's funds they want to be able to block users who do not follow rules, guidelines, and laws, so they need to establish identity before granting access.

RESPONSE: As noted above, the accreditation rules were designed to work in alignment with a public library's policies and procedures. As such, a decision regarding requiring identification before allowing an individual to use a computer is a policy decision for the library that is not impacted by these rules.

COMMENT: Three individuals requested clarification on whether the rule would allow a library to require either a library card or a computer use card to access computers. Two of these individuals noted that a computer use card may require presentation of identification but would not involve a charge.

RESPONSE: As noted above, the accreditation rules were designed to work in alignment with a public library's policies and procedures. As such, a decision regarding requiring identification or a computer use card before allowing an individual to access a computer is a policy decision for the library that is not impacted by these rules.

COMMENT: One individual asked whether the rules would allow a library to charge for a computer guest pass.

RESPONSE: As noted, in response to many of the comments expressing concern over requiring a library to provide access to computers free of charge, the commission is making a change on adoption. The rules as adopted only require a library to make a good faith effort to allow use of computers and other technology to access information sources, databases, or other similar services as allowed by local license agreements, to the general public without charge, regardless of the person's residency.

COMMENT: One individual expressed concern about allowing use of computers and other technology without charge regardless of residency, citing the accountability that comes with identified and carded users as opposed to anonymous persons having access. This individual questioned how libraries could monitor usage or ensure computer conduct policies are being adhered to otherwise, and asked who would provide funding if capacity increases. This individual suggested allowing a reduced charge to only access computer resources, noting that users should be

identified and held responsible for any misuse of public library equipment including physical damage of equipment as well as access inappropriate or damaging content/files.

RESPONSE: As noted, in response to many of the comments expressing concern over requiring a library to provide access to computers free of charge, the commission is making a change on adoption. The rules as adopted only require a library to make a good faith effort to allow use of computers and other technology to access information sources, databases, or other similar services as allowed by local license agreements, to the general public without charge, regardless of the person's residency.

COMMENT: One individual noted that printing services in the library are linked to a user's library account, so users without library cards would require staff intervention for every print job.

RESPONSE: The commission notes that the changes on adoption should address this concern. In addition, the accreditation rules were designed to work in alignment with a public library's policies and procedures. As such, a decision regarding requiring a library card for an individual to access a computer is a policy decision for the library.

COMMENT: One individual requested clarification on whether they could continue to charge non-residents for a computer use only card if a non-resident does not want borrowing privileges.

RESPONSE: The commission notes that the changes on adoption should address this concern. In addition, the accreditation rules were designed to work in alignment with a public library's policies and procedures. As such, a decision regarding charging for a computer-use only card is a policy decision for the library.

COMMENT: One individual asked whether it would be a problem under the new rule to require parental permission for minors on computer use and not allow independent computer use for patrons 9 years old and younger.

RESPONSE: As noted above, the accreditation rules were designed to work in alignment with a public library's policies and procedures. As such, decisions regarding requiring parental permission for minors on computer use and not allowing independent computer use for patrons 9 years old and younger are policy decisions for the library that are not impacted by these rules.

COMMENT: One individual asked whether it would be a problem under the new rule to block patrons from using computers or checking out additional material if the patron has unpaid lost items or excessive fees (until fees are cleared). Another individual requested general clarification on how a library could handle accounts blocked for overdue, lost, or damaged items.

RESPONSE: As noted above, the accreditation rules were designed to work in alignment with a public library's policies and procedures. As such, decisions regarding consequences of unpaid lost items, excessive fees, or blocked accounts are policy decisions for the library that are not impacted by these rules.

COMMENT: One individual noted that offering access to computers to anyone is not feasible within the library's service guidelines, financial constraints, or staffing.

RESPONSE: As noted above, in response to many of the comments expressing concern over requiring a library to provide access to computers free of charge, the commission is making a change on adoption. The rules as adopted only require a library to make a good faith effort to allow use of computers and other technology to access information sources, databases, or other

similar services as allowed by local license agreements, to the general public without charge, regardless of the person's residency.

COMMENT: One individual commented that decisions regarding the use of computers and technology should be made locally, within the community that funds the library.

RESPONSE: As noted above, in response to many of the comments expressing concern over requiring a library to provide access to computers free of charge, the commission is making a change on adoption. The rules as adopted only require a library to make a good faith effort to allow use of computers and other technology to access information sources, databases, or other similar services as allowed by local license agreements, to the general public without charge, regardless of the person's residency.

COMMENT: TLA commented that requiring public libraries to provide unlimited computer access to any individual that walks through the library doors is cost-prohibitive and would create a significant burden on staff. TLA also noted that unfettered access to all databases free-of-charge without regard to residency would be extremely expensive, as some resources are cost-per-use or based on a service population that would be greatly expanded. TLA requested this item be removed or modified as follows: "Use of computers and other technology to access information sources, databases, or other similar services as allowed by local license agreements to those with borrowing privileges."

RESPONSE: The rule as proposed acknowledged that free computer use would be subject to local license agreements. However, as noted above, the commission is changing the rule on adoption to only require a public library to make a good faith effort to allow use of computers and other technology to access information sources, databases, or other similar services as allowed by local license agreements, to the general public without charge, regardless of the person's residency. This change should resolve the concerns in the comment.

COMMENT: One individual requested clarification of the definition and requirements for "other technology" in §1.73(c)(5). This individual noted that new technology is often expensive, so would likely be introduced on a limited basis, prioritizing residents. The individual commented that mandating universal access to such technology could discourage libraries from investing in these resources. This individual recommended providing specific definitions and examples of "other technology."

RESPONSE: Because the commission is changing the rule on adoption to only require a public library to make a good faith effort to allow use of computers and other technology to access information sources, databases, or other similar services as allowed by local license agreements, to the general public without charge, regardless of the person's residency, the commission finds it is not necessary to describe "other technology." By not including a definition, a library may make its own determination regarding "other technology."

COMMENT: One individual noted that the rule appears to prohibit a library from charging for a program created with funds from the State Library. The commenter noted that some libraries allow their Friends group to host a program (and charge for the program), but a library without a Friends group would be unable to charge for a program. Due to limited budgets, it may come down to a minimal charge for a program or no program.

RESPONSE: In response to this and other comments, the commission is clarifying the language in this section to specify that admission to specific programs that are paid for in whole or part by state-awarded funds (as opposed to "sponsored in whole or in part by state resources" as proposed) must be free of charge regardless of whether the library has a Friends group. The commission believes this change clarifies that participation in a specific program paid for by a Texas State Library and Archives Commission Special Projects Grant, for example, should be free of charge.

COMMENT: One individual requested clarification on what "sponsored in whole or part by state resources" in §1.73(c)(7) includes, asking if a library receives any in-kind support for things like summer reading program materials would the library be precluded from charging for materials used in a sewing class. The individual also asked whether the rule would mean that if a library accepts any kind of support from the state they are precluded from charging any fee for any program whether or not state support goes directly to that program. Lastly, the individual asks if a library accepts state support for a particular program, would the library be precluded from charging a fee for that program but could charge fees for other programs that do not receive direct state support?

RESPONSE: As noted above, in response to this and other comments, the commission is clarifying the language in this section to specify that admission to programs that are paid for in whole or part by state-awarded funds (as opposed to "sponsored in whole or in part by state resources" as proposed) must be provided free of charge. The commission believes this language clarifies that participation in a specific program paid for by a Texas State Library and Archives Commission Special Projects Grant, for example, should be free of charge. This section should not be construed to apply broadly to any program offered by a library. The commission addressed the ability of a library to charge for materials in response to earlier comments.

COMMENT: One individual asked whether the receipt of in-kind services such as ILL, TexShare cards, and TexShare databases would preclude the library for charging for admission and/or materials for programs conducted by the library. The individual requested the agency further define the intended meaning of the phrase "sponsored in whole or part by state resources."

RESPONSE: As noted above, in response to this and other comments, the commission is clarifying the language in this section to specify that admission to programs that are paid for in whole or part by state-awarded funds (as opposed to "sponsored in whole or in part by state resources" as proposed) must be provided free of charge. The commission believes this language clarifies that participation in a specific program paid for by a Texas State Library and Archives Commission Special Projects Grant, for example, should be free of charge. As noted in response to other comments in this adoption, the InterLibrary Loan and TexShare Card programs have their own rules and guidelines not impacted by these rules.

COMMENT: One individual asked what it means for a program to be "sponsored" by state resources, citing the following as examples in need of clarification: educational lecture that uses images from the Texas Digital Archive, story time after children's librarian attended a reading-aloud webinar linked on TSLAC website, implementing a new program discovered on the Library Developments blog, and getting program advice from a nearby librarian whose phone number was located in the Library Directory.

RESPONSE: As noted above, in response to this and other comments, the commission is clarifying the language in this section to specify that admission to programs that are paid for in whole or part by state-awarded funds (as opposed to "sponsored in whole or in part by state resources" as proposed) must be provided free of charge. The commission believes this language clarifies that participation in a specific program paid for by a Texas State Library and Archives Commission Special Projects Grant, for example, should be free of charge.

COMMENT: One individual asked whether it is limiting to list items a library can charge for when we do not know what the future holds for libraries. The individual noted that libraries are often tasked with looking for revenue generating opportunities and suggested that perhaps the rule should be limited to a list of what a library cannot charge for to keep it simple and sustainable.

RESPONSE: As noted above, the commission is modifying this section on adoption to list only those services that must be provided free of charge. Decisions regarding charges for any other library services shall be made locally.

COMMENT: One individual suggested clarifying that the list of items a library may charge for in §1.73(d) be clarified as examples of permissible charges rather than a comprehensive list of charges, otherwise the subsection risks unwittingly limiting a library's ability to provide future services they have not yet been imagined but a library would need to charge for.

RESPONSE: As noted above, the commission is modifying this section on adoption to list only those services that must be provided free of charge. Decisions regarding charges for any other library services shall be made locally.

COMMENT: Two individuals asked whether the list of allowable charges is meant to be exhaustive or merely examples. One of the individuals also recommended specifying if the list is inclusive or provide a broader framework for libraries to set charges based on community needs.

RESPONSE: As noted above, the commission is modifying this section on adoption to list only those services that must be provided free of charge. Decisions regarding charges for any other library services shall be made locally.

COMMENT: TLA commented that by limiting what a library can charge for to this very narrow list, the rules do not leave room for staff and city/county leaders to respond to community needs or requests for services that may require additional fees to be fiscally responsible. TLA also noted that, as cities and counties face budget shortfalls, libraries are being tasked with looking for revenue generating opportunities. As such, this limited list will limit creativity in meeting the future needs of the library and the community. TLA recommend adding this language: "A public library may charge for additional services not specified in this section if the library staff and governing authority identify community needs that cannot be met in a fiscally responsible manner and require fees."

RESPONSE: As noted above, the commission is modifying this section on adoption to list only those services that must be provided free of charge. Decisions regarding charges for any other library services shall be made locally.

COMMENT: One individual commented that charging residents is expressly allowed in §1.73(e) but seems to be prohibited in §1.73(f).

RESPONSE: The commission is making changes in response to this and similar comments. Specifically, the rule will not list items a library may charge for but will specify only those services that must be provided free of charge. In addition, the commission is modifying the language to provide that circulation of materials must be provided free of charge to those with borrowing privileges who reside in the library's legal service area. While the commission encourages libraries to make more services available to the public regardless of a person's residency, the rule as adopted will leave the decision on whether to charge nonresidents for borrowing privileges up to the library and its governing authority.

The following comments relate to §1.75, Local Operating Expenditures:

COMMENT: One individual suggested that libraries who fail to meet the requirements of §1.75, Local Operating Expenditures, be given conditional accreditation one time.

RESPONSE: The commission notes that the appeal process in §1.82, Appeal of Accreditation Determination, provides a uniform process available to any library wishing to appeal an accreditation determination, including the waiver of this section. The appeal process is an important component of public transparency and agency due diligence with regard to public funds. The commission declines to extend the applicability of conditional accreditation in response to this comment.

COMMENT: One individual noted the difficulty for a library meeting the same standards for libraries with bigger populations when the library gets a very small amount of funding from a county, but their official service population is doubled due to the funding from the county.

RESPONSE: The commission acknowledges that the acceptance of county funds may increase a library's service population. However, this requirement has been in commission rule since at least 1977, and the commission declines to make a change at this time. The commission further notes that a library may appeal a population assignment if it impacts the library's accreditation status under §1.82, Appeal of Accreditation Determination.

COMMENT: TLA suggested adding "per capita" after \$22.00 in §1.75(d).

RESPONSE: The commission appreciates the comment. This typographical error was corrected in the published version of the rule.

COMMENT: TLA commented that §1.75(d) and (e) are almost identical and are perhaps redundant and requested clarification on the two subsections.

RESPONSE: The commission notes that subsection (d) refers to local government support and subsection (e) refers to total local operating expenditures. The commission has added language to both subsections to clarify the distinction and rearranged the sections for a more logical flow.

The following comments relate to §1.76, Quantitative Standards for Accreditation of Library:

COMMENT: One individual commented that the quantitative standard in §1.76(h) that a library serving a population of less than 25,000 persons is not required to employ a full-time equivalent professional librarian is disappointing and disrespectful, noting there are five institutions in Texas where an individual can earn the credentials to become a professional librarian

and the importance of professional librarians. The individual commented that by not requiring a professional librarian, the rule implies that librarians are an unnecessary expense.

RESPONSE: The commission appreciates the comment and notes its support for professional librarians. This rule does not devalue professional librarians but instead broadens the options for small and rural libraries that wish to operate a public library for their community whose workforce is likely much smaller than larger communities. These rules are intended to provide a sustainable and affordable framework for library operations. The commission is aware of the budget challenges of many small and rural communities. This provision is intended to recognize the needs of these small communities and their commitment to establishing a library for the community. We note the difficulty that many small communities have expressed in hiring and retaining professional librarians. The commission wholly endorses every effort to recruit and retain professional staff but believes the state is best served by offering these communities another option for staffing. The commission declines to change this long-standing requirement at this time.

COMMENT: One individual expressed concern over the requirement that at least 5% of a library's collection items be published or created in the last five years, noting that as a small library, the only way to realistically achieve compliance would be to weed a considerable portion of their collection, as they do not have the budget to purchase sufficient new titles. The individual noted that if the goal is to ensure a steady purchase of new materials, this could be achieved without limiting the presence of older materials in the collection.

RESPONSE: The commission notes that this rule is not intended to limit the presence of older materials in a collection but rather to ensure a collection is timely and includes relevant publications. The commission also notes that a library's item count includes e-materials. Because the state provides e-materials at no cost to small and rural public libraries, a small or rural library has access to a current catalog of e-materials that can facilitate meeting this requirement.

COMMENT: Two individuals submitted comments about the continuing education requirement for librarians, noting that finding pertinent and meaningful continuing education opportunities is challenging and many classes have a cost associated with them, creating an unfunded mandate.

RESPONSE: The commission provides a myriad of asynchronous opportunities for continuing education requirements for librarians at no charge. Therefore, the commission declines to make a change in response to this requirement.

COMMENT: One individual asked about the value difference between 10, 15, or 30 hours of required continuing education in terms of leadership and meaningful improvements and enhancement to professional development. This individual also asked what makes an acceptable and impactful continuing education opportunity, and suggested the agency consider participation in professional activities and organizations to count toward the goal. The individual also asked who decides relevancy and how it is applied and understood across the profession. Similarly, another individual asked about the parameters for these classes and clarification on the value difference between the number of hours in terms of leadership. This individual asked what makes an acceptable and impactful continuing education course and suggested it might be more beneficial to participate in network-

ing and professional groups so a librarian has a network of peers to support one another.

RESPONSE: Given the responsibilities of library operations, including administering public resources, navigating emerging challenges of cybersecurity, and implementing new technologies, the need for increased continuing education training for directors is imperative for efficient and effective public service. This rule is built on libraries determining what areas of advanced training are most relevant for the library in efficiently and effectively serving their patrons. The commission also notes the definition of continuing education in §1.71, Definitions, guides that the activities must be instructional, free of lobbying, and relevant to the operation of a library, and may include workshops, appropriate conference sessions, online training, and courses. Libraries may continue to consult with the commission's Library Development and Networking Division regarding continuing education opportunities if they have any questions. The commission believes the broad definition of continuing education coupled with support from the commission's Library Development and Networking Division provide libraries the most flexibility to meet this requirement. As such, the commission declines to make a change in response to this comment.

COMMENT: One individual noted that it is unclear why a director serving a larger population needs more continuing education credits than a director of a smaller community and also noted there is no description of what continuing education entails.

RESPONSE: The commission notes that robust training is important for all library staff. However, staff in small community libraries face greater challenges in participating in training given the need to keep a library open and able to assist patrons, often with only one or two library workers. The difference in required continuing education hours is only a reflection of the different capacities of libraries. The commission declines to make a change in response to this comment.

COMMENT: TLA noted that §1.76(f) requires library directors for libraries serving a population of 100,001 or more to complete a minimum of 20 hours of continuing education annually and directors serving populations of 100,000 or less to complete 10 hours annually. TLA asked what is the reason for the difference in the number of required hours, and what is the benefit in a director serving a larger population having to obtain more hours?

RESPONSE: As noted above, the commission notes that robust training is important for all library staff. However, staff in small community libraries face greater challenges in participating in training given the need to keep a library open and able to assist patrons, often with only one or two library workers. The difference in required continuing education hours is only a reflection of the different capacities of libraries. The commission declines to make a change in response to this comment.

COMMENT: One individual commented that requiring more continuing education for directors serving larger populations is unclear and disproportionate. This individual recommended basing continuing education requirements on the director's qualifications (e.g., MLS degree) rather than population size. The individual further commented that equitable continuing education requirements should be applied statewide.

RESPONSE: As noted above, the commission notes that robust training is important for all library staff. However, staff in small community libraries face greater challenges in participating in training given the need to keep a library open and able to assist patrons, often with only one or two library workers. The differ-

ence in required continuing education hours is only a reflection of the different capacities of libraries. The commission declines to make a change in response to this comment.

COMMENT: TLA noted a typographical error in §1.76(f)- the number should be 100,000 (not 100,00).

RESPONSE: The commission appreciates the comment and makes this correction on adoption.

The following comments are related to §1.77, Other Operational Requirements:

COMMENT: One individual commented that the rules seem to indicate every library must have a public computer, printer, copier, and scanner, and noted it is not feasible to expect every library to provide all of these technologies to the public. This individual also noted that expecting staff to troubleshoot additional technology will create an even greater challenge in hiring and retaining employees.

RESPONSE: The commission notes that the requirement for a computer, printer, copier, and scanner is not a new requirement (see repealed §1.83, Other Requirements, which requires a library to have available both a photocopier and a computer with Internet access for use by the library staff and at least one computer with Internet access and printing/copying capabilities for the general public). On adoption, the commission adds the requirement for a library to have at least one public access computer to the definition of public library in §1.71(10).

COMMENT: One individual requested consideration of making ILL optional for libraries that serve a lower population level, noting the infrequency of requests, challenges learning the program, lack of duplicate copies of books, and that the ILL program has nothing to do with the quality of a library.

RESPONSE: The commission notes that the requirement to participate in ILL is not a new accreditation requirement. Participation in ILL enhances a library's collection and augments a library's available collection, enabling a library to better serve its patrons and support lifelong learning. In addition, the agency offers ILL training and consultation directly to librarians at no cost. Finally, the commission reiterates that the accreditation criteria provide a baseline to assess minimum standards for quantitative measures for funding, circulation, and materials- they do not reflect a qualitative assessment of the library's operations or overall adequacy in satisfying community needs. The commission declines to make a change in response to this comment.

COMMENT: One individual commented that the requirement in §1.77(5) that a library have a strategic plan approved by its governing authority is problematic, noting that this individual's county does not undertake strategic planning and the requirement is essentially a mandate for local elected county officials to do something. The individual noted that it would not be problematic to present a strategic plan to the library board for approval, but it would be problematic to submit a strategic plan to the county commissioners for approval.

RESPONSE: The commission notes that this is not a new requirement (see repealed §1.83(6), which requires a library to have a "long-range plan that is approved by its governing board"). The commission notes that the language in the new rule is nearly identical, except that the plan is referred to as a strategic plan rather than a long-range plan. The commission further notes that the new rule explicitly builds in flexibility by noting that the strategic plan "may be part of a larger plan from

the governing authority." The commission declines to make a change in response to this comment.

COMMENT: One individual commented that their strategic long-range plan is part of the system of documents created by the city, and is an operational matter approved by the city manager's office to determine alignment with overall strategy. This individual suggested that within the city manager style of government, it should be left to the municipality for how this is handled; library accreditation should not extend into this area.

RESPONSE: The commission notes that the rule requires approval by the library's "governing authority," which would include any form of governance of a library, including city manager form of government. The commission declines to make a change in response to this comment.

COMMENT: One individual commented that the rule should specify what a strategic plan must include, such as measurable goals or alignment with statewide library standards, as plans could vary widely. The same individual suggested a standard template that could be submitted to TSLAC for peer review rather than that of a "governing body."

RESPONSE: While the commission does offer sample plans and training for drafting a strategic plan, the commission believes by not specifying the contents of a plan local officials retain the most flexibility to draft appropriate goals and policies for their community. The commission declines to make a change in response to this comment.

COMMENT: One individual suggested allowing an advisory board or city leadership (e.g., city manager) to approve a library's strategic plan.

RESPONSE: The commission notes that the requirement for a long-range plan approved by a library's governing board has been in place since at least 2004. In the new rule, the commission has broadened the approval authority by referring to "governing authority" as opposed to "governing board." This term encompasses any form of governance of a library, including a city manager form of government. Ideally, a library's strategic plan would be approved by all entities or individuals involved in the operation of a library. However, the rule only requires approval by the library's governing authority.

COMMENT: One individual commented that the requirement in §1.77(5) for a strategic plan is restrictive, as not all libraries have strategic plans or the means to develop strategic plans. The individual noted in their town, they are developing an overall town strategic plan, but it will not be library specific.

RESPONSE: The commission notes that it offers sample plans and training for drafting strategic plans. In addition, by not identifying specific components of a strategic plan in rule, the library is free to develop the plan that best meets the needs of the library and its governing authority. In addition, the rule notes that the strategic plan may be part of a larger plan from the governing authority. Given the flexibility afforded libraries in the rule as proposed, the commission declines to make a change in response to this comment.

COMMENT: One individual noted that their strategic plan is typically approved by their advisory board and it may not be possible for every city or library to get a strategic plan approved by city council if that is not their normal process. Another individual suggested allowing the governing authority, such as an advisory board or city leadership/city manager, approve the strategic plan.

RESPONSE: The commission has already addressed city manager style of governance and noted that use of the term "governing authority" is broad enough to include this structure. Further, the requirement for a library's governing body to approve a long-range plan has existed in the accreditation rules since at least 2004. As such, the commission declines to make a change in response to this comment.

COMMENT: TLA commented that in most cases, a library's strategic plan is not approved by its governing authority as a separate strategic plan (often the library advisory board in its advisory capacity); rather the library strategic plan functions as one part of the whole. TLA recommends deleting "that is approved by its governing authority and" - libraries will be required to have a strategic plan that is reviewed and updated at least every five years, and the plan may be part of the larger plan developed by the governing authority, but this change will provide flexibility for the various types of governing processes.

RESPONSE: The commission notes that the accreditation rules have required approval of a library's long-range plan by the library's governing board since at least 2004. The commission further notes that the new section as adopted acknowledges that the strategic plan may be part of a larger plan from the governing authority. The commission declines to make a change in response to this comment.

COMMENT: Two individuals noted that other city departments manage some of the specified policies and those departments may not post those policies publicly, adding that it is not the role of the library to require they be posted.

RESPONSE: The commission notes that the rule does not require the library to post policies. The rule requires that the policies be publicly available. If the appropriate policy is maintained by a different city department but the library is subject to the policy, then the library would be in compliance with this section by directing interested persons to the appropriate city department. If portions of a policy are considered confidential by the city, the city should follow the requirements of the Public Information Act in making those policies available. The commission declines to make a change in response to this comment.

COMMENT: One individual noted that it may not be feasible for libraries to address information security and privacy when other entities, such as IT departments, already have requirements in place. The individual also noted there is no mention of the content for these policies and suggested this be a recommendation, not a requirement.

RESPONSE: The commission notes that the rules do not require the library to draft the policies. The commission acknowledges that the library may be subject to policies created by other departments of the city or county, for example. If that is the case, then the library would be in compliance with this section by directing interested persons to the appropriate city or county department for the policy. The goal with this requirement is to ensure a library is able to support its decisions pertaining to circulation, collection development, technology use, and information security and privacy with written guidelines.

COMMENT: One individual noted that another department may be responsible for technology use and information security and privacy policies, noting that the library would have to defer to ITS.

RESPONSE: The commission acknowledges that the library may be subject to policies created by other departments of the city or county, for example. If that is the case, then the library

would be in compliance with this section by directing interested persons to the appropriate city or county department for the policy. The goal with this requirement is to ensure a library is able to support its decisions pertaining to circulation, collection development, technology use, and information security and privacy with written guidelines.

COMMENT: One individual commented that crafting information security and privacy policies requires specialized input and approval from the city IT department to ensure compliance with existing municipal standards and cybersecurity practices. This individual commented that it is unreasonable to require a non-library department, such as a city IT department, to adhere to rules set by the commission for library accreditation. This individual also commented that smaller or rural libraries may lack access to dedicated IT support, making compliance even more challenging. The individual recommended making the information security and privacy policy a recommendation rather than minimum accreditation requirement, allowing libraries to collaborate with their local resources as feasible.

RESPONSE: The commission notes that the rules do not require the library to draft the policies. The commission acknowledges that the library may be subject to policies created by other departments of the city or county, for example. If that is the case, then the library would be in compliance with this section by directing interested persons to the appropriate city or county department for the policy. The goal with this requirement is to ensure a library is able to support its decisions pertaining to circulation, collection development, technology use, and information security and privacy with written guidelines.

STATUTORY AUTHORITY. The new sections are adopted under Government Code, §441.135, which authorizes the commission to adopt guidelines for the awarding of grants; §441.136, which authorizes the commission to adopt rules necessary to the administration of the program of state grants, including qualifications for major resource system membership; §441.127, which provides that to be eligible for membership in a major resource system or regional library system, a library must meet the accreditation standards established by the commission; and §441.122(1) and (2), which defines "accreditation of libraries" as the evaluation and rating of libraries according to commission accreditation standards and "accreditation standards" as the criteria established by the commission that a library must meet to be accredited and eligible for membership in a major resource system.

§1.71. Definitions.

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

(1) Accreditation--means the process by which a library is accredited by the Texas State Library and Archives Commission as having met the standards in this subchapter. Accreditation is not required but determines the eligibility of public libraries to receive state assistance through programs and services of the Texas State Library and Archives Commission.

(2) Agency--means the Texas State Library and Archives Commission as an agency of the state of Texas, including the staff, collections, archives, operations, programs, and property of the Texas State Library and Archives Commission.

(3) Commission--means the seven-member governing body of the Texas State Library and Archives Commission.

(4) Continuing education--means professional development activities for library directors that are instructional, free of lobbying, and relevant to the operation of a library. Activities may include workshops, appropriate conference sessions, online training, and courses.

(5) Library collection item--means any item in the library's catalog that may be circulated, including books, e-books, audio and e-audio books, video and e-video items, non-traditional educational items such as kits, instruments, and equipment, and locally licensed databases or other informational items as determined by professional library standards.

(6) Library operating hours--means the number of unique hours the library is open to the public as set by local governing authorities based on and subject to local considerations, including need and budget.

(7) Local fiscal year--means the 12-month period used by a local entity for budgeting and operations. For accreditation purposes, it is the fiscal year in which January 1 of the requested year falls.

(8) Per capita--means the locally funded operating expenditures of the library divided by the library's assigned population under §1.72 of this title (relating to Legal Service Area).

(9) Professional librarian--means a person holding a master's degree or comparable certification in library or information studies from an accredited program.

(10) Public library--means a library that is operated by a single public entity or board, that is freely open to all persons under identical conditions, that receives its financial support in whole or part from public funds, and that provides the following at a minimum:

(A) An organized collection of print or other library materials, or a combination thereof;

(B) At least one public access computer;

(C) Paid or contracted staff;

(D) An established schedule in which services of the staff are available to the public; and

(E) The facilities necessary to support such a collection, staff, and schedule.

(11) State fiscal year--means the 12-month period beginning September 1 and ending August 31.

§1.72. Legal Service Area.

(a) A public library's legal service area is based on the source(s) of local government funding for the library and the population assigned to the library as described below. Legal service area calculations will be determined as follows using the population in the most recent decennial census or official population estimate of the United States Department of Commerce, Bureau of the Census, if available:

(1) In counties with one or more public libraries that receive only city and private funds, each library is credited with serving the population of the city or cities from which it receives funds or with which it has a contract.

(2) In counties with only one public library and that library receives county funds, the library is credited with serving the entire county population.

(3) In counties with more than one public library that receives both city and county funds, the libraries that receive city and county funds are credited with serving their city population plus a per-

centage of the population living outside the cities. This percentage is the ratio of each city's population to the total of all the populations of cities with public libraries within the county.

(4) In counties with a library established by the county commissioners court and that receives no city funds or an incorporated library that receives no city funds, and one or more city libraries that receive county funds, the city libraries that receive county and city funds are credited with serving their city populations plus a percentage of the county population living outside the cities. The percentage is the ratio of each city's population to the county population. The county library or incorporated library that receives county funds and no city funds serves all county residents not served by a city library.

(5) In counties with one library that receives county funds and one or more public libraries that do not receive county funds, the library that receives county funds is credited with serving the county population less the populations of cities with public libraries.

(6) In counties with more than one library that receives county funds and no city funds, the county population living outside cities with public libraries will be prorated among the libraries in the same ratio as the county funds are allocated.

(7) When school districts contract with one or more non-profit corporations, cities, municipalities, or counties for public library services as part of their students' educational program, the library is credited with serving the total population living within the school district, as published annually in the most recent Small Area Income and Poverty Estimate Program (SAIPE).

(8) Libraries that enter into agreements or contracts with counties, cities, municipalities, or school districts to provide public library services will be assigned the respective population under this section whether or not there is an exchange of funds.

(9) If a library believes it has been assigned an unrealistic population figure, it may request in writing that the Library Systems Act Advisory Board approve an exception to the population-served methodology. The board will use its discretion to devise a method by which data from the United States Department of Commerce, Bureau of the Census will be used to calculate the legal service area.

(b) If a library does not report receiving public monies for public library service, that library will be assigned no population.

(c) Population estimates assigned at the beginning of the state fiscal year will remain in place throughout the following annual report submission and review process period until new populations are assigned for the following cycle. Any resulting population changes will go into effect with the next assignment of the legal service areas.

§1.73. Public Library Services.

(a) A public library must provide the following services to the general public without charge:

- (1) Dissemination of civic, community, or other ephemeral material freely available and not in the library's catalog;
- (2) Circulation of materials to those with borrowing privileges who reside in the library's legal service area;
- (3) Reserving library materials to those with borrowing privileges who reside in the library's legal service area;
- (4) Reference services;
- (5) Admission to the facility;
- (6) Use of onsite resources that do not have to be reserved;

and

(7) Admission to programs conducted by the library that are paid for in whole or part by state-awarded funds.

(b) In recognition of the statewide benefit to the public having access to library materials, a public library is encouraged to provide services free of charge to the general public regardless of residency, including borrowing privileges. However, these rules do not prohibit a library from establishing policies, including the imposition of fees and terms, under which borrowing privileges may be extended to individuals living outside of the library's legal service area.

(c) A public library must make a good faith effort to allow use of computers and other technology to access information sources, databases, or other similar services as allowed by local license agreements, to the general public without charge, regardless of the person's residency.

(d) Library entities contracted with school districts to provide library services to the general public residing in the school district must provide services in addition to that provided to school students, faculty, and staff. The library and the school district must enter into an agreement that establishes the policies each library facility must adhere to, including all applicable state laws and regulations. Public library services must be provided at least the required number of hours all weeks of the year, except those weeks with national or state holidays.

(e) A public library shall serve all members of the general public, certifying annually that no person shall be excluded from participation in or denied the benefits of the appropriate services of that library in accordance with federal and state law.

§1.75. Local Operating Expenditures.

(a) A public library must demonstrate local effort on an annual basis by maintaining or increasing local operating expenditures or per capita local operating expenditures. Expenditures for the current reporting year will be compared to the average of the total local operating expenditures or to the average of the total per capita local operating expenditures for the three preceding years.

(b) A public library that expends at least \$22.00 per capita and at least \$200,000 of local funds is exempt from subsection (a) of this accreditation criterion.

(c) At least half of the annual local operating expenditures required to meet the minimum level of per capita support for accreditation must be from local government sources. Local government sources are defined as money appropriated by library districts, school districts, or city, municipal, or county governments.

(d) A public library that expends at least \$22.00 per capita is exempt from subsection (c) of this accreditation criterion if it shows evidence of some library expenditures from local government sources and is open to the public under identical conditions without charge.

(e) A public library must have minimum total local expenditures of \$24,000 in local fiscal years 2026, 2027, 2028; at least \$27,000 in local fiscal years 2029, 2030, 2031; at least \$30,000 in local fiscal years 2032, 2033, 2034.

§1.76. Quantitative Standards for Accreditation of a Library.

(a) A public library must meet the quantitative standards for accreditation in this section, in addition to the other requirements in this subchapter.

(b) A public library must have at least one library collection item per capita or expend at least 15 percent of the library's local expenditures on library collection items. If the library serves 25,000 persons or less, the library must maintain a collection of at least 7,500 library collection items.

(c) A public library must ensure at least 5 percent of its library collection items were published or created in the last five years.

(d) A public library must be open for service not less than 40 hours per week, except that a public library that serves 25,000 persons or less must be open for not less than 20 hours per week.

(e) A public library must employ a library director for at least 40 hours per week, except that a public library that serves 25,000 persons or less must employ a library director for at least 20 hours per week.

(f) A library director for a library serving a population of 100,001 or more must complete a minimum of 20 hours of continuing education annually. A library director for a library serving a population of 100,000 or less must complete a minimum of 10 hours of continuing education annually. A library director must maintain documentation of attendance, duration, and relevance of each continuing education credit claimed.

(g) A library must have local expenditures as follows:

(1) A library serving a population of 200,001 persons or more must have local expenditures equaling at least \$13.50 per capita in local fiscal years 2026, 2027, 2028; at least \$13.91 in local fiscal years 2029, 2030, 2031; and at least \$14.32 per capita in local fiscal years 2032, 2033, 2034;

(2) A library serving a population of 100,001 - 200,000 persons must have local expenditures equaling at least \$10.50 per capita in local fiscal years 2026, 2027, 2028; at least \$10.82 in local fiscal years 2029, 2030, 2031; and at least \$11.14 per capita in local fiscal years 2032, 2033, 2034;

(3) A library serving a population of 25,001 - 100,000 persons must have local expenditures equaling at least \$7.50 per capita in local fiscal years 2026, 2027, 2028; at least \$7.73 in local fiscal years 2029, 2030, 2031; and at least \$7.96 per capita in local fiscal years 2032, 2033, 2034; and

(4) A library serving a population of 25,000 or less must have local expenditures equaling at least \$5.50 per capita in local fiscal years 2026, 2027, 2028; at least \$5.67 in local fiscal years 2029, 2030, 2031; and at least \$5.83 per capita in local fiscal years 2032, 2033, 2034.

(h) A library must employ full-time equivalent professional librarians as follows:

(1) A library serving a population of 200,001 persons or more must employ at least six full-time equivalent professional librarians with one additional full-time equivalent professional librarian for every 50,000 persons above 200,000;

(2) A library serving a population of 100,001 - 200,000 persons must employ at least four full-time equivalent professional librarians, with one additional full-time equivalent professional librarian for every 50,000 persons above 100,000;

(3) A library serving a population of 25,001 - 100,000 persons must employ at least one full-time equivalent professional librarian, with one additional full-time equivalent professional librarian for every 50,000 persons above 50,000; and

(4) A library serving a population of 25,000 or less is not required to have a professional librarian on staff.

§1.77. Other Operational Requirements.

Each public library applying for accreditation must meet the following requirements and report to the agency on the status of each requirement annually:

(1) The library must have a website detailing current services and contact information, including a telephone number and email address.

(2) The library must have available technology to enable staff and the general public to access the Internet and print, copy, and scan materials.

(3) The library must have an integrated searchable catalog of its holdings available to the public online through the library's website.

(4) The library must offer to borrow materials through the statewide interlibrary loan system for eligible persons residing within the library's legal service area and offer to lend materials to other participating Texas libraries using the statewide interlibrary loan system. The library's governing authority may adopt local policies regarding collections available to lend, lending periods and renewals, patron eligibility, and other factors. Local policies must be available to the public.

(5) The library must have a strategic plan that is approved by its governing authority and reviewed and updated at least every five years. The library's strategic plan may be part of a larger plan from the governing authority.

(6) At a minimum, the library must maintain current and publicly available policies or procedures, approved by the library's governing or designated authority, addressing the following subjects:

- (A) Circulation;
- (B) Collection Development;
- (C) Technology Use; and
- (D) Information Security and Privacy.

§1.80. Conditional Accreditation of a Library.

(a) Conditional accreditation is a temporary status granted when a library fails to meet one criterion in this subchapter. A conditionally accredited library enjoys the same benefits and privileges as a fully accredited library. A library that fails to meet more than one criterion is not eligible for conditional accreditation.

(b) The maximum length of time a library may be conditionally accredited is three years. A library that is still unable to meet an accreditation criterion at the end of the conditional accreditation period, whether it is the same or a new criterion, will not be accredited and must reapply for accreditation the following year.

(c) A public library actively seeking accreditation by securing the per capita support necessary for qualification may be conditionally accredited on the basis of the library's current operating budget rather than its expenditures of the preceding year.

(d) To be fully accredited, a library must meet all accreditation requirements in this subchapter by the end of the conditional accreditation period.

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 April 24, 2025.
TRD-202501340



13 TAC §§1.71 - 1.75, 1.77, 1.79 - 1.87

The Texas State Library and Archives Commission (commission) adopts the repeal of Texas Administrative Code, Title 13, Chapter 1, Subchapter C, §§1.71 - 1.75, 1.77, 1.79 - 1.87, concerning Minimum Standards for Accreditation of Libraries in the State Library System. The repeal is adopted without changes to the proposed text as published in the November 15, 2024, issue of the *Texas Register* (49 TexReg 9148). The rules will not be republished.

The repeal of these sections will enable the commission to update all of the accreditation standards for public libraries seeking accreditation for State Fiscal Year 2028. Some of the repealed language will remain unchanged in the new accreditation standards. However, because of the significant number of revisions and new sections, the commission determined the best approach was to repeal the existing sections and replace with new sections. The new sections may also be found in this issue of the *Texas Register*. The proposed repeals will become effective September 1, 2025.

SUMMARY OF COMMENTS. The commission did not receive any comments on the proposed repeals.

STATUTORY AUTHORITY. The repeals are adopted under Government Code, §441.135, which authorizes the commission to adopt guidelines for the awarding of grants; §441.136, which authorizes the commission to adopt rules necessary to the administration of the program of state grants, including qualifications for major resource system membership; §441.127, which provides that to be eligible for membership in a major resource system or regional library system, a library must meet the accreditation standards established by the commission; and §441.122(1) and (2), which defines "accreditation of libraries" as the evaluation and rating of libraries according to commission accreditation standards and "accreditation standards" as the criteria established by the commission that a library must meet to be accredited and eligible for membership in a major resource system.

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 April 24, 2025.

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Sarah Swanson
General Counsel

Texas State Library and Archives Commission
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Proposal publication date: November 15, 2024
For further information, please call: (512) 463-5460



TITLE 16. ECONOMIC REGULATION

PART 4. TEXAS DEPARTMENT OF LICENSING AND REGULATION

CHAPTER 87. USED AUTOMOTIVE PARTS RECYCLERS

16 TAC §§87.1, 87.10, 87.71, 87.72, 87.78, 87.81

The Texas Commission of Licensing and Regulation (Commission) adopts amendments to existing rules at 16 Texas Administrative Code (TAC), Chapter 87, §§87.1, 87.10, 87.71, 87.72, and 87.78, and a new rule at §87.81 regarding the Used Automotive Parts Recyclers program, without changes to the proposed text as published in the December 20, 2024, issue of the *Texas Register* (49 TexReg 10173). These rules will not be republished.

EXPLANATION OF AND JUSTIFICATION FOR THE RULES

The rules under 16 TAC, Chapter 87, implement Texas Occupations Code, Chapter 2309, Used Automotive Parts Recyclers.

The adopted rules implement Senate Bill (SB) 224, 88th Legislature, Regular Session (2023), the Deputy Darren Almdendarez Act, which addresses the issue of catalytic converter theft. Section 5.01 of the Act provides for the coordination of efforts between the Department and other state agencies, including the Motor Vehicle Crime Prevention Authority, the Department of Motor Vehicles, and the Department of Public Safety, in order for the respective agencies to effectively review records involving the purchase, acquisition, sale, or transfer of catalytic converters removed from motor vehicles and to respond to suspicious activities that may be detected through the analysis of these records.

Section 3.12 of the Act amends Occupations Code, Chapter 2305, Records of Certain Vehicle Repairs, Sales, and Purchases, by enacting new subchapter D, pertaining to records of sales or transfers of catalytic converters removed from vehicles. Occupations Code §2305.152 clarifies that the subchapter is applicable to used automotive parts recyclers (UAPRs). Section 2305.153 requires UAPRs to maintain accurate transaction records of the transaction for a period of two years. Under §2305.153(b), the record must contain a description made in accordance with the custom of the trade for the volume of catalytic converters sold or transferred, the name of the person to whom the catalytic converters were sold or transferred, and the date of the transaction. Section 2305.155 grants the Department authority to enter a licensee's premises for purpose of examining the records. The adopted rules implement these provisions by requiring UAPRs to maintain these records and furnish them to the Department for inspection upon request. The adopted rules additionally incorporate by reference the two-year records retention period required by SB 224.

The adopted rules additionally make changes in response to concerns raised during the Department's four-year rule review process under Government Code §2001.039. These changes include insertion of a reference to a newly adopted statute, Transportation Code §551A.001, which pertains to definitions related to off-highway vehicles, and the removal of an obsolete reference to §502.001. These changes also include additional amendments to clarify the duty to produce records for inspection, the record retention requirements for different types of records, and that both license plates and registration insignia must be removed. Lastly, the adopted rules make other clarifying changes, including the addition of language concerning the

applicability of the rules and the statutes implemented by the rules.

SECTION-BY-SECTION SUMMARY

The adopted rules amend §87.1, Authority. The adopted rules modify the rule heading to "Authority and Applicability." The rule is divided into two subsections, with the current substantive text stated in subsection (a) and new language inserted in the last sentence of subsection (a) and in subsection (b). The language inserted in subsection (a) clarifies that specific rule provisions implement Occupations Code, Chapter 2305, Transportation Code, Chapter 501, and other applicable statutes. The language consisting of subsection (b) clarifies that rules under 16 TAC Chapter 60, Procedural Rules of the Commission and the Department, are also applicable to the UAPR program.

The adopted rules amend §87.10, Definitions. References to Transportation Code §551A.001 are added to the introductory paragraph and to paragraph (9)(D), and an obsolete reference to Transportation Code §502.001 is deleted from paragraph (9)(D).

The adopted rules amend §87.71, Responsibilities of the Licensee--Record Retention. The heading is modified by adding the phrase "and Production" to reflect the expanded scope of the rule. The language of subsection (b) is modified to reflect that licensees generally must maintain records for three years unless a shorter period is specified elsewhere in the rules chapter. New subsection (c) is inserted with language reflecting a general one-year retention period for records of purchase or receipt of component parts, and a sentence clarifying that this provision does not apply to the receipt of catalytic converters. New subsection (d) is inserted, with language stating that the records retention requirements for catalytic converter transactions are as specified in new rule §87.81. New subsection (e) is inserted, with language setting forth a licensee's duty to produce records to a Department representative on request.

The adopted rules amend §87.72. The heading is modified by adding the phrase "Contact Information and" to reflect the expanded scope of the rule. New subsection (a) is inserted, with language requiring a licensee to notify the department within 30 days following any change in contact information. Existing subsections (a) and (b) are re-lettered as (b) and (c), respectively.

The adopted rules amend §87.78. The heading is modified by the insertion and removal of language to reflect the new scope of the rule. New subsection (a) is inserted, with language reflecting that licensees must remove both the license plates and registration insignia from the vehicles and must securely store the license plates until the plates are destroyed. Existing subsections (a) and (b) are re-lettered as (b) and (c), respectively.

The adopted rules add new §87.81, Responsibilities of the Licensee--Catalytic Converter Theft Prevention. The rule contains three subsections, (a) through (c). Subsection (a) sets forth the requirement to create and maintain accurate records of catalytic converter sales and transfers. Subsection (b) provides that the records must include the name of the purchaser or transferee, a description of the quantity of catalytic converters, and the date of the transaction. Subsection (c) sets forth a two-year retention period for these records and a requirement to produce the records, and any removed catalytic converters, for inspection when directed to do so.

PUBLIC COMMENTS

The Department drafted and distributed the proposed rules to persons internal and external to the agency. The proposed rules

were published in the December 20, 2024, issue of the *Texas Register* (49 TexReg 10173). The public comment period closed on January 21, 2025. The Department received a comment from one interested party on the proposed rules. The public comment is summarized below.

Comment: The commenter provided a copy of a catalytic converter sales receipt without additional information and did not express an opinion for or against adoption of the proposed rules.

Department Response: Because the commenter did not express an opinion concerning the proposed rules, the Department does not recommend any changes to the proposed rules and will direct the correspondence to the appropriate division for further action.

ADVISORY BOARD RECOMMENDATIONS AND COMMISSION ACTION

The Used Automotive Parts Recycling Advisory Board met on March 6, 2025, to discuss the proposed rules and the public comments received. The Advisory Board recommended that the Commission adopt the proposed rules as published in the *Texas Register*. At its meeting on April, 9, 2025, the Commission adopted the proposed rules as recommended by the Advisory Board.

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapters 51 and 2309, which authorize the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51, 2305, and 2309. No other statutes, articles, or codes are affected by the adopted rules.

The legislation that enacted the statutory authority under which the adopted rules are proposed to be adopted is Senate Bill 224, 88th Legislature, Regular Session (2023).

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

Filed with the Office of the Secretary of State on April 25, 2025.

TRD-202501355

Doug Jennings

General Counsel

Texas Department of Licensing and Regulation

Effective date: May 15, 2025

Proposal publication date: December 20, 2024

For further information, please call: (512) 463-7750



CHAPTER 112. HEARING INSTRUMENT FITTERS AND DISPENSERS

The Texas Commission of Licensing and Regulation (Commission) adopts amendments to existing rules at 16 Texas Administrative Code (TAC), Chapter 112, Subchapter A, §112.2; Subchapter E, §112.44; and Subchapter L, §112.110; the repeal of existing rules at Subchapter H, §112.70 and §112.72; and the addition of new rules at Subchapter H, §112.70 and §§112.73 - 112.76, regarding the Hearing Instrument Fitters and Dispensers

program, without changes to the proposed text as published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9688). These rules will not be republished.

EXPLANATION OF AND JUSTIFICATION FOR THE RULES

The rules under 16 TAC, Chapter 112, implement Texas Occupations Code, Chapter 402, Hearing Instrument Fitters and Dispensers; and Chapter 51, the enabling statute of the Texas Commission of Licensing and Regulation (Commission) and the Department.

The adopted rules are necessary to update the current administrative rules and the continuing education (CE) requirements for hearing instrument fitter and dispenser apprentices, license holders, and CE providers. The adopted rules are a result of changes suggested during the required four-year rule review related to CE; changes recommended by the Education and Examination Workgroup of the Hearing Instrument Fitters and Dispensers Advisory Board; and other suggested changes made possible, in part, by House Bill (HB) 1560, 87th Legislature, Regular Session (2021), the Department's Sunset legislation.

The adopted rules also change the CE provider registration term from one year to two years and increase the registration application fees from \$200 annually to \$400 every two years. Beginning May 1, 2025, the provider registrations will change from one-year to two-year terms, and the application and renewal fees will reflect this change. Existing provider registrations will be valid for one year if renewed before May 1, 2025, or for two years if renewed on or after May 1, 2025.

Four-Year Rule Review Changes

The adopted rules include changes as a result of the required four-year rule review conducted under Texas Government Code §2001.039. The Department conducted the required four-year rule review of the rules under 16 TAC Chapter 112, and the Commission readopted the rule chapter in its entirety and in its current form. (Proposed Rule Review, 45 TexReg 7281, October 9, 2020. Adopted Rule Review, 46 TexReg 2050, March 26, 2021).

In response to the Notice of Intent to Review that was published, the Department received comments from two interested parties regarding 16 TAC Chapter 112, one of which is applicable to this rules package and will be addressed as part of this rules package. The comment suggested changes to the continuing education provider registration fee under §112.110. The comment suggested having a separate CE provider registration fee of \$25 paid bi-annually for out-of-state CE providers, which may encourage more out-of-state providers to become registered CE providers for the Hearing Instrument Fitters and Dispensers program. The Department disagrees with the suggestion to treat out-of-state providers differently, and this suggested change is not included in the adopted rules.

The adopted rules include changes based on the Department's review of the rules during the rule review process related to continuing education and changes recommended by the Education and Examination Workgroup.

Other Changes Made Possible by HB 1560

HB 1560, Sections 1.15 and 1.25, amended Texas Occupations Code §402.207(c) and repealed §402.303, to remove detailed requirements regarding the number of CE hours, the methods of CE delivery, the types of CE providers, and the approval of CE providers and courses. HB 1560, Section 1.12, also added broad rulemaking authority under Texas Occupations Code

§51.405 regarding CE requirements and CE providers. The adopted rules revise and/or eliminate some of the CE provisions that were previously required by statute. The adopted rules allow more flexibility on the methods of CE delivery and the types of CE hours that may be obtained, and they eliminate the need for individual CE courses to be approved by the Department.

The adopted rules prescribe and expand the CE hours, courses, and methods of delivery. The adopted rules decrease the number of CE hours an apprentice permit holder must complete during the apprentice year, specify the type of proof necessary to claim CE credit during the apprentice permit year, and limit how and when an apprentice can claim CE credit. The adopted rules expand the methods of CE course delivery a hearing instrument fitter and dispenser license holder can use to earn CE hours; limit how and when a license holder can claim CE credit; and provide details on alternative methods for a license holder to obtain CE hours.

The adopted rules also modify provisions for CE providers relating to registration and application requirements; registration issuance, term, and renewal requirements; and the responsibilities imposed on CE providers. The adopted rules also extend the CE provider registration term from one year to two years and restructure the registration fees from \$200 annually to \$400 every two years. In addition, the adopted rules eliminate the current requirement that each CE course offered or provided by a registered CE provider must be approved by the Department.

Finally, the adopted rules include changes recommended by Department staff to correct and update citations and cross-references to improve accuracy, readability, and consistency in the rule text.

SECTION-BY-SECTION SUMMARY

Subchapter A. General Provisions.

The adopted rules amend §112.2, Definitions. The adopted rules add definitions for the following new terms: "continuing education methods of delivery," "in-person continuing education course," "online continuing education course," and "virtual (or virtually) continuing education course." The adopted rules also amend the existing definition of "continuing education hour"; reorganize in alphabetical order the existing terms "continuing education hour" and "contract"; and renumber the terms in this section.

Subchapter E. Apprentice Permit.

The adopted rules amend §112.44, Apprentice Permit--Continuing Education. The adopted rules under subsection (a) reduce the required number of CE hours from 20 hours to 10 hours during the apprentice year; eliminate the requirement that all CE hours must be completed in the classroom; allow five CE hours to be completed online; and clarify that virtual courses are not considered online courses. The adopted rules amend subsection (b) to clarify that all CE courses completed during an apprentice year must be provided by a Department-registered continuing education provider. The adopted rules amend subsection (c) by requiring the permit holder to provide proof of attendance in a form and manner prescribed by the Department. The adopted rules add new subsections (d) and (e) to clarify that the apprentice permit holder will not receive credit for completing the same CE course more than once during the permit term, will not receive credit without attending the full CE course, and will not receive partial credit for attending less than the full course.

Subchapter H. Continuing Education Requirements.

The adopted rules repeal §112.70, Continuing Education--Hours and Courses. The requirements in this section are being repealed and replaced with the updated requirements in new §112.70.

The adopted rules add new §112.70, Continuing Education--Hours, Courses, and Methods of Delivery. This new section replaces existing §112.70, with the following adopted changes. The adopted rules change the title of this section from "Continuing Education--Hours and Courses" to "Continuing Education--Hours, Courses, and Methods of Delivery." The adopted rules reorganize this section to group the requirements for each CE method or activity into separate subsections. The adopted rules clarify in subsection (b) that a license holder may complete the 20 CE hours that are required each license term through the continuing education methods prescribed under subsections (c) - (g).

The adopted rules under subsection (c) allow hearing instrument fitter and dispenser license holders to earn the required CE hours by completing CE courses offered in-person, online, or virtually and prescribe the conditions under which the hours can be completed. The adopted rules increased the current limit on the number of CE hours received from a manufacturer CE provider from no more than five hours to no more than 10 hours per license term. The adopted rules continue the current limit on the number of online CE hours received to no more than 10 hours per license term, but the adopted rules clarify that virtual courses are not considered to be online course.

The adopted rules under subsection (d) clarify that a license holder may not receive more than five hours of CE credit per license term for preparation of a published book or article. The adopted rules under subsection (e) address earning CE credit for completion of academic courses related to the fitting and dispensing of hearing instruments. The adopted rules under subsection (f) address earning CE credit for participating in or teaching programs directly related to the fitting and dispensing of hearing instruments and limit the number of CE hours that may be received per license term to five CE hours. The adopted rules under subsection (g) authorize license holders to earn continuing education hours by serving as proctors for practical tests, with a maximum of one in-person CE hour per test date and four in-person CE hours per license term. The adopted rules under subsection (h) address activities that will not receive CE credit, and the adopted rules under subsection (i) addresses statutory CE exemptions.

The adopted rules repeal §112.72, Continuing Education--Providers. The requirements in this section are being repealed and replaced with the updated requirements in new §§112.73 - 112.76.

The adopted rules add new §112.73, Continuing Education Provider--Registration Requirement and Application. The adopted rules require CE providers to register with the Department in order to offer or provide CE courses for the Hearing Instrument Fitters and Dispensers program. The adopted rules prescribe the application requirements for a CE provider registration. The adopted rules require the courses provided by a CE provider meet certain specified requirements, but the individual CE courses no longer must be approved by the Department.

The adopted rules add new §112.74, Continuing Education Provider--Issuance of Registration. The adopted rules provide details on CE provider registrations issued by the Department after a CE provider registration application has been approved.

The adopted rules add new §112.75, Continuing Education Provider--Registration Term; Renewal. The adopted rules extend the current CE provider registration term from one year to two years and specify the requirements for renewal and the consequences of non-renewal. The adopted rules include transition provisions. A registration is valid for one year if the registration was issued before May 1, 2025, or two years if the registration was issued on or after May 1, 2025. Similarly, the adopted rules establish that a registration renewed by the Department is valid for one year if the renewal was issued before May 1, 2025, and must be renewed annually, or two years if the renewal was issued on or after May 1, 2025, and must be renewed every two years. The adopted rules also provide that a list of registered CE providers will be available through a search function on the Department's website.

The adopted rules add new §112.76, Continuing Education Provider--Provider Responsibilities. The adopted rules establish the responsibilities of CE providers registered with the Department and include provisions addressing advertisements, credit hours, delivery and administration of the courses, validation for online and virtual courses, certificates of completion, record-keeping, and audits. The adopted rules also specify actions by a CE provider that constitute violations of the rules.

Subchapter L. Fees.

The adopted rules amend §112.110, Fees. The adopted rules under subsection (f) restructure registration and renewal fees for continuing education providers to align with the CE provider registration term that is being extended from one year to two years. The continuing education provider registration fee is increased from a \$200 fee paid upon application and then a \$200 fee paid annually upon renewal, to a \$400 fee paid upon application and a \$400 fee paid every two years upon renewal.

PUBLIC COMMENTS

The Department drafted and distributed the adopted rules to persons internal and external to the agency. The adopted rules were published in the November 29, 2024, issue of the *Texas Register* (49 TexReg 9688). The public comment period closed on December 30, 2024. The Department received comments from one interested party on the proposed rules. The public comment is summarized below.

Comment: The comment was submitted by the Texas Hearing Aid Association (THAA). THAA's comment was, in effect, a proposal by THAA to assist TDLR with CE Course provider approval. Specifically, THAA offered to serve as the approved CE provider and oversight body for hearing instrument fitters and dispensers in the state of Texas. As the comment did not suggest any changes to the proposed rules, the Department interprets this comment in support of the proposed amendments.

Department Response: THAA's comment did not directly address the content of the proposed rules. Instead, the comment was a proposal by THAA to assist TDLR with CE Course provider approval. The comment did not propose any changes or raise any concerns or issues with the proposed rules package, so the Department cannot agree or disagree with the substance of THAA's comment. Thus, the Department has made no changes to the proposed rules as a result of the comment.

ADVISORY BOARD RECOMMENDATIONS AND COMMISSION ACTION

The Hearing Instrument Fitters and Dispensers Advisory Board met on March 4, 2025, to discuss the proposed rules and the

public comments received. The Advisory Board recommended that the Commission adopt the proposed rules as published in the *Texas Register*. At its meeting on April 9, 2025, the Commission adopted the proposed rules as recommended by the Advisory Board.

SUBCHAPTER A. GENERAL PROVISIONS

16 TAC §112.2

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapters 51 and 402, which authorize the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51 and 402. No other statutes, articles, or codes are affected by the adopted rules.

The legislation that enacted the statutory authority under which the adopted rules are proposed to be adopted is House Bill 1560, 87th Legislature, Regular Session (2021).

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 April 25, 2025.

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Doug Jennings
Texas Department of Licensing and Regulation
General Counsel
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SUBCHAPTER E. APPRENTICE PERMIT

16 TAC §112.44

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapters 51 and 402, which authorize the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51 and 402. No other statutes, articles, or codes are affected by the adopted rules.

The legislation that enacted the statutory authority under which the adopted rules are proposed to be adopted is House Bill 1560, 87th Legislature, Regular Session (2021).

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 H. CONTINUING EDUCATION REQUIREMENTS

16 TAC §112.70, §112.72

STATUTORY AUTHORITY

The adopted repeals are repealed under Texas Occupations Code, Chapters 51 and 402, which authorize the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department.

The statutory provisions affected by the adopted repeals are those set forth in Texas Occupations Code, Chapters 51 and 402. No other statutes, articles, or codes are affected by the adopted repeals.

The legislation that enacted the statutory authority under which the adopted repeals are proposed to be adopted is House Bill 1560, 87th Legislature, Regular Session (2021).

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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16 TAC §§112.70, 112.73 - 112.76

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapters 51 and 402, which authorize the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51 and 402. No other statutes, articles, or codes are affected by the adopted rules.

The legislation that enacted the statutory authority under which the adopted rules are proposed to be adopted is House Bill 1560, 87th Legislature, Regular Session (2021).

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SUBCHAPTER L. FEES

16 TAC §112.110

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapters 51 and 402, which authorize the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51 and 402. No other statutes, articles, or codes are affected by the adopted rules.

The legislation that enacted the statutory authority under which the adopted rules are proposed to be adopted is House Bill 1560, 87th Legislature, Regular Session (2021).

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TITLE 19. EDUCATION

PART 1. TEXAS HIGHER EDUCATION COORDINATING BOARD

CHAPTER 1. AGENCY ADMINISTRATION

SUBCHAPTER S. HIGHER EDUCATION STRATEGIC PLANNING COMMITTEE

19 TAC §§1.213 - 1.219

The Texas Higher Education Coordinating Board (Coordinating Board) adopts repeal of Title 19, Part 1, Chapter 1, Subchapter S, §§1.213 - 1.219, Higher Education Strategic Planning Committee, without changes to the proposed text as published in the February 7, 2025, issue of the *Texas Register* (50 TexReg 715). The rules will not be republished.

The repeal eliminates the subchapter and the Higher Education Strategic Planning Committee, which was set to be abolished no later than January 1, 2016, and which no longer meets.

No comments were received regarding the adoption of the repeal.

The repeal is adopted under Texas Education Code, Section 61.027, which provides the Coordinating Board with the authority to adopt and publish rules in accordance with Texas Government Code, Chapter 2001.

The adopted repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 1, Subchapter S.

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) 427-6520



SUBCHAPTER U. MARKETABLE SKILLS TASK FORCE

19 TAC §§1.230 - 1.236

The Texas Higher Education Coordinating Board (Coordinating Board) adopts repeal of Title 19, Part 1, Chapter 1, Subchapter U, §§1.230 - 1.236, Marketable Skills Task Force, without changes to the proposed text as published in the February 7, 2025, issue of the *Texas Register* (50 TexReg 715). The rules will not be republished.

The repeal eliminates the subchapter and the Marketable Skills Task Force, which was set to be abolished no later than August 30, 2023, and which no longer meets.

No comments were received regarding the adoption of the repeal.

The repeal is adopted under Texas Education Code, Section 61.027, which provides the Coordinating Board with the authority to adopt and publish rules in accordance with Texas Government Code, Chapter 2001.

The adopted repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 1, Subchapter U.

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 J. APPROVAL OF DISTANCE EDUCATION FOR PUBLIC INSTITUTIONS

19 TAC §2.207

The Texas Higher Education Coordinating Board (Coordinating Board) adopts amendments to Title 19, Part 1, Chapter 2, Subchapter J, §2.207, Effective Date of Rules, without changes to the proposed text as published in the February 7, 2025, issue of the *Texas Register* (50 TexReg 716). The rule will not be republished.

This adopted amendment clarifies institutional submission deadlines for renewing their Institutional Plan for Distance Education (IPDE).

Section 2.207, Effective Date of Rules, is amended to clarify the submission deadline for the first renewal submission following the effective date of the amended rules to be within one year of the institution's reaffirmation cycle. Currently §2.207 states, "IPDEs currently on file as of December 1, 2023, will remain filed in good standing until the first due date under §2.205(d)(1)," leaving two potential deadline options. To stagger submission dates, the renewal submission deadline following the effective date of the adopted rule will only be no later than one year after receiving final disposition of the institution's comprehensive renewal of accreditation report from their institutional accreditor, as required by 34 CFR §602.19. This adopted amendment will allow the Coordinating Board and institutions to manage distance education approval workflows appropriately.

No comments were received regarding the adoption of the amendments.

The amendment is adopted under Texas Education Code, Section 61.0512, which requires that institutions must seek prior Coordinating Board approval before offering distance learning courses.

The adopted amendment affects Texas Administrative Code, Title 19, Part 1, Chapter 2, Subchapter J, Section 2.207.

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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CHAPTER 4. RULES APPLYING TO ALL PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN TEXAS

SUBCHAPTER Y. PROVISIONS REGARDING SCHOLARSHIP TO A RELATIVE OF A BOARD MEMBER OF AN INSTITUTION OF HIGHER EDUCATION OR UNIVERSITY SYSTEM

19 TAC §§4.380 - 4.385

The Texas Higher Education Coordinating Board (Coordinating Board) adopts new rules in Title 19, Part 1, Chapter 4, Subchapter Y, §§4.380 - 4.385, Provisions Regarding Scholarship to a Relative of a Board Member of an Institution of Higher Education or University System, without changes to the proposed text as published in the February 14, 2025, issue of the *Texas Register* (50 TexReg 815). The rules will not be republished.

This new section establishes the authority and purpose, definitions, applicability, and substantive requirements relating to mitigating the appearance of favoritism in the offering of certain scholarships at public colleges and universities. The Coordinating Board is authorized to adopt rules regarding this subject by Texas Education Code, §51.969.

The adopted rules are reconstituted from Texas Administrative Code, Title 19, Part 1, Chapter 21, Subchapter O. Nonsubstantive revisions were made by eliminating unnecessary provisions or definitions, adding citations, and updating rule language for improved clarity.

Rule 4.380, Authority and Purpose, establishes the statutory authority for the subchapter and outlines its purpose. It is the reconstituted and simplified current §21.468.

Rule 4.381, Definitions, establishes definitions for relevant words or phrases used throughout the subchapter. It is the reconstituted §21.469, with definitions removed that are duplicative with §4.3 in the chapter's General Provisions.

Rule 4.382, Applicability, specifies that the rules apply to persons attending any public institution of higher education in Texas. It is the reconstituted and retitled §21.470, with non-substantive revisions to improve clarity.

Rule 4.383, Prohibited Scholarships, establishes the type of applicable scholarships subject to the rules of the subchapter and the circumstances in which an individual may be ineligible for these scholarships. It is the reconstituted §21.471, with nonsubstantive revisions to improve readability.

Rule 4.384, Declaration of Eligibility, outlines the written statement students must file with their institutions prior to receiving a scholarship subject to this subchapter's provisions. It is the reconstituted §21.472.

Rule 4.385, Criminal Penalty, establishes the criminal penalty associated with making a false statement on the Declaration of Eligibility. It is the reconstituted §21.473, with updated citation.

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

The new section is adopted under Texas Education Code, Section 51.969, which provides the Coordinating Board with the authority to adopt rules relating to the provisions of that section.

The adopted new section affects Texas Administrative Code, Title 19, Part 1, Chapter 4.

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

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CHAPTER 10. GRANT PROGRAMS

SUBCHAPTER A. GENERAL PROVISIONS

19 TAC §§10.1 - 10.8

The Texas Higher Education Coordinating Board (Coordinating Board) adopts new rules in Title 19, Part 1, Chapter 10, Subchapter A, §§10.1 - 10.8, General Provisions, without changes to the proposed text as published in the February 7, 2025, issue of the *Texas Register* (50 TexReg 717). The rules will not be republished.

The new subchapter sets forth definitions and requirements for all Coordinating Board grant programs and establishes minimum requirements for all grantees receiving grant funds from the Coordinating Board. The adopted subchapter allows the Coordinating Board to enforce uniform and fair standards, definitions, and criteria across all grant programs administered by the agency in accordance with the Texas Grant Management Standards.

Sections 61.035 and 61.051(a)(5) of the Texas Education Code provides the Coordinating Board with authority to administer and monitor Coordinating Board grant funds. To effectively and efficiently administer and monitor Coordinating Board grant programs, the Coordinating Board adopts new rules as follows.

Section 10.1, Purpose and Authority, provides the purpose and authority for the general provisions applicable to Coordinating Board administered grant programs. This section sets forth that this purpose allows for the administration of programs and funds while ensuring necessary compliance monitoring.

Section 10.2, Definitions, establishes standard definitions that may be used across all Coordinating Board grant programs to better aid in Coordinating Board consistency in the administration of grant programs. These standard definitions promote efficient operation of Coordinating Board administered programs.

Section 10.3, Competitive Grant Process, sets forth the minimum requirements for the Coordinating Board to administer a competitive grant program. The minimum standards are designed to comply with the Texas Grant Management Standards and allow for Coordinating Board monitoring of grant programs.

Section 10.4, Non-competitive Grant Process, sets forth the minimum requirements for the Coordinating Board to administer a

non-competitive grant program. The minimum standards are designed to comply with the Texas Grant Management Standards and allow for Coordinating Board monitoring of grant programs.

Section 10.5, Grant Awards, sets forth the minimum requirements for the Coordinating Board to issue a grant award as well as the minimum requirements a grantee must meet to receive and retain a grant award. This section is adopted in accordance with §61.035 of the Texas Education Code to ensure funds are distributed in accordance with applicable law and Coordinating Board rules.

Section 10.6, Reporting, sets forth minimum grantee reporting requirements to enable the Coordinating Board to appropriately monitor grantee's use and progress with the grant award. This section is adopted in accordance with §61.035 of the Texas Education Code to ensure funds are expended in accordance with applicable state laws and Coordinating Board rules.

Section 10.7, Compliance, sets forth the minimum compliance requirements a grantee is subject to by receiving a Coordinating Board grant award. These minimum compliance requirements are developed in accordance with the Texas Grant Management Standards and §61.035 of the Texas Education Code.

Section 10.8, Additional Requirements, requires the Coordinating Board to provide grantee written notice in the event grantee makes unauthorized or prohibited expenditures of Coordinating Board grant awards. These requirements ensure that grant funds are used in accordance with applicable laws and Coordinating Board rules as well as to ensure programs are administered to reach the state's goals.

Section 10.8 further provides the grantee with an opportunity to contest such notice and requires the grantee to reimburse the Coordinating Board for unauthorized or prohibited expenditures. This rule allows the Grantee an opportunity to be heard and for the Coordinating Board to review. It also helps to ensure that the Coordinating Board is able to administer grant funds in accordance with applicable law and Coordinating Board rules.

No comments were received regarding adoption of the new rules.

The new sections are adopted under Texas Education Code, Sections 61.035 and 61.051(a)(5), which provide the Coordinating Board with the authority to administer and monitor the distribution of grant funds.

The adopted new sections affect Texas Administrative Code, Title 19, Part 1, Chapter 10, Grant 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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Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

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For further information, please call: (512) 427-6375



CHAPTER 13. FINANCIAL PLANNING

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 repeal of Title 19, Part 1, Chapter 13, Subchapter P, §§13.470 - 13.477, Community College Finance Program for Fiscal Year 2024, without changes to the proposed text as published in the February 7, 2025, issue of the *Texas Register* (50 TexReg 719). The rules will not be republished.

The adopted repeal removes sections superseded by rules adopted by the Coordinating Board in April 2024 which are now in Chapter 13, Subchapter S, of this title.

The Coordinating Board initially adopted rules relating to the new community college finance system on an emergency basis in August 2023, including Subchapter P in Chapter 13, allowing for the implementation of H.B. 8 by the start of the 2024 fiscal year. Chapter 13, Subchapter S, which became effective on September 1, 2024, is the primary community college finance subchapter beginning in fiscal year 2025.

No comments were received regarding the adoption of the repeal.

The repeal is adopted under Texas Education Code, Section 130A.005, which provides the Coordinating Board with the authority to adopt rules and take other actions consistent with Texas Education Code, Chapter 61, Chapter 130, and Chapter 130A to implement 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 repeal affects Texas Education Code, Sections 28.0295, 61.003, 61.059, 130.003, 130.0031, 130.0034, 130.008, 130.085, 130.310, 130.352 and Chapter 130A.

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

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Nichole Bunker-Henderson

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CHAPTER 21. STUDENT SERVICES SUBCHAPTER O. PROVISIONS REGARDING SCHOLARSHIPS TO RELATIVES OF BOARD MEMBERS OF INSTITUTIONS OF HIGHER EDUCATION AND UNIVERSITY SYSTEMS

19 TAC §§21.468 - 21.474

The Texas Higher Education Coordinating Board (Coordinating Board) adopts repeal of Title 19, Part 1, Chapter 21, Subchapter O, §§21.468 - 21.474, Provisions Regarding Scholarships to

Relatives of Board Members of Institutions of Higher Education and University Systems, without changes to the proposed text as published in the February 7, 2025, issue of the *Texas Register* (50 TexReg 724). The rules will not be republished.

This repeal allows the relocation of this subchapter to a more appropriate location in Coordinating Board rules. The Coordinating Board is authorized by Texas Education Code, §51.969, to adopt rules relating to the provisions of that section.

No comments were received regarding the adoption of the repeal.

The repeal is adopted under Texas Education Code, Section 51.969, which provides the Coordinating Board with the authority to adopt rules relating to the provisions of that section.

The adopted repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 21.

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, 22.2, 22.4, 22.7 - 22.11

The Texas Higher Education Coordinating Board (Coordinating Board) adopts amendments and new rules in Title 19, Part 1, Chapter 22, Subchapter A, General Provisions, §22.1 and §22.9, with changes to the proposed text as published in the February 28, 2025, issue of the *Texas Register* (50 TexReg 1071). The rules will be republished. Sections 22.2, 22.4, and 22.7, 22.8, 22.10, and 22.11, are adopted without changes and will not be republished.

The amendments and new sections update terminology and definitions used throughout the chapter, restructure rules within the subchapter for greater clarity, and provide greater detail in how and to which programs the general provisions should be applied.

The Coordinating Board is authorized to adopt rules to effectuate the provisions of Texas Education Code (TEC), Chapter 61, including §61.051(a)(5) regarding the administration of financial aid programs.

Included throughout the subchapter are a number of nonsubstantive updates to rule language. References to the Coordinating Board as an agency, for example, previously written as "Board" or "Board staff," are revised to "Coordinating Board" to ensure the distinction is clear between the agency and its governing board. Similarly, the word "award" is changed to refer more precisely to a particular kind(s) of financial assistance.

Rule 22.1, Definitions, is amended by adding and removing several definitions, as well as amending definitions to more closely align with other defined terms. Several of the additions are commonly used terms throughout the chapter that have statutory definitions in TEC, §61.003. These terms have been consolidated into the General Provisions to ensure consistent usage and avoid citation issues that might arise from changes to TEC, §61.003. The term "forecast" was defined in multiple subchapters with slightly different definitions (though no practical difference); these definitions are consolidated in §22.1 with no change in function. Finally, to align more closely with changes to the federal financial aid process, the term "Student Aid Index" is added and will be used extensively throughout the chapter as a replacement for "Expected Family Contribution." Multiple definitions are removed as they are no longer needed or are being replaced with more precise terms.

Rule 22.2, Timely Distribution of Funds, is amended by adding provisions related to re-offering of funds and late disbursements of gift aid. New subsection (b) is the reconstituted §22.11(f), amended to clarify that it is applicable to all financial adjustments, not only grants. New subsection (c) is the reconstituted §22.11(g), amended to clarify that it applies to all gift aid. These adjustments do not represent a change in Coordinating Board practices or expectations.

Rule 22.4, Records Retention, is amended by eliminating subsection (a), which is simply an unnecessary directive to institutions to follow the rules within the section and making conforming formatting changes.

Rule 22.7, Financial Aid Uses, is added to specify the appropriate uses for state financial aid programs. This section is the reconstituted §22.11(c), amended slightly to make it more broadly applicable (to all financial aid, rather than simply grants or work-study). This does not represent a change in Coordinating Board practices or expectations.

Rule 22.8, Financial Aid Adjustments, is added to provide guidance to institutions in managing various financial aid adjustments. The bulk of the language is reconstituted from §22.11(d) and (e), with a few notable changes. First, provisions related to adjustments resulting from a student withdrawing from his/her institution are separated to offer more specific guidance in the case of gift aid versus loans. Subsection (b), related to over awards, frames the concept as a type of financial aid adjustment, rather than a separate concept as it has been previously. Finally, the new rule provides greater specificity regarding adjustments to financial aid resulting from a student becoming ineligible for particular financial aid programs after already receiving financial assistance from them. Subsection (d) provides general guidance in any other cases not addressed by the rest of the rule.

Rule 22.9, Institutional Responsibilities, is amended to align with the Coordinating Board's compliance monitoring role in TEC, §61.035, and the current practice between the Coordinating Board and the institutions as reflected in the program participation agreements, and furthermore to clarify the institutions' specific obligations with respect to allocated program funds.

Rule 22.10, Grade Point Average Calculations for Satisfactory Academic Progress, is amended to clarify that institutions have the discretion to include grades from prior institutions in determining whether a student's grade point average satisfies satis-

factory academic progress requirements and may use the higher of the calculations.

Rule 22.11, Authority to Transfer Funds, is amended first by eliminating the specific program references in the title and narrowing the subject of the rule to focus only on the authority to transfer funds. Subsection (a) is eliminated entirely and not moved elsewhere in the chapter, as it merely restates statute. Subsection (b)(1), which implements a legislative rider, is retained with minor edits and the addition of the specific July 1 deadline. Subsection (b)(2) is eliminated as the allocations for the Texas College Work-Study Program and Work-Study Student Mentorship Programs have been combined. Subsections (c) - (g) are removed but the substance of these provisions has been relocated elsewhere in this subchapter, as described above.

Subsequent to the posting of the rules in the *Texas Register*, the following changes are incorporated into the adopted rule.

Section 22.1 definitions for "Expected Family Contribution" and "Student Aid Index" are switched in form to reflect that Student Aid Index is the more commonly used term in financial aid administration.

Section 22.9(d) is amended to reflect the potential roles of the Board, Commissioner, and Internal Auditor with respect to this function, to more closely align with the applicable statute and audit-related rules and procedures.

The following comments were received regarding the adoption of the new rules and amendments.

Comment: South Texas College commented to note that the term "Expected Family Contribution," defined in §22.1, is outdated and has been changed to Student Aid Index under the federal FAFSA Simplification Act.

Response: The Coordinating Board appreciates the comment. The commenter is correct that the term Expected Family Contribution has been phased out at the federal level in favor of Student Aid Index. However, the term Expected Family Contribution still exists in the Texas Education Code across multiple financial aid programs. As such, definitions for both Expected Family Contribution and Student Aid Index are necessary to align these terms. To provide greater clarity, the definitions will be updated so that Student Aid Index refers to a measure utilized to calculate a student's financial need as regulated and defined by the methodology used for federal student financial aid and Expected Family Contribution refers to a student's Student aid Index.

The amendments and new sections are adopted under Texas Education Code, Section 61.051(a)(5), which provides the Coordinating Board with the authority to administer state financial aid programs.

The adopted amendments and new sections affect Texas Administrative Code, Title 19, Part 1, Chapter 22.

§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) Board--The governing body of the agency known as the Texas Higher Education Coordinating Board.

(4) 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.

(5) Commissioner--The Texas Commissioner of Higher Education.

(6) Coordinating Board--The agency known as the Texas Higher Education Coordinating Board, including agency staff.

(7) 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).

(8) 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.

(9) Degree or Certificate Program of Four Years or Less--A baccalaureate degree, associate degree, or certificate program other than a program determined by the Coordinating Board to require four years or more to complete.

(10) Degree or Certificate Program of More Than Four Years--A baccalaureate degree or certificate program determined by the Coordinating Board to require more than four years to complete.

(11) Encumber--Program funds that have been officially requested by an institution through procedures developed by the Coordinating Board.

(12) 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 ten contact hours of instruction, which may be expressed as a decimal. For the purpose of conversion, 1.6 continuing education units of instruction equals one semester credit hour of instruction. In a continuing education course, not fewer than sixteen contact hours are equivalent to one semester credit hour.

(13) Expected Family Contribution (EFC)--A student's Student Aid Index, as the term is defined in this section.

(14) Financial Need--The Cost of Attendance at a particular institution of higher education or private or independent institution of higher education less the Student Aid Index as those terms are defined in this section.

(15) Forecast--The FORECAST function in Microsoft Excel, or a comparable forecasting function.

(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) General Academic Teaching Institution--As defined in Texas Education Code, §61.003.

(18) 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.

(19) Graduate Student--A student who has been awarded a baccalaureate degree and is enrolled in coursework leading to a graduate or professional degree.

(20) 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.

(21) Institution of Higher Education--As defined by Texas Education Code, §61.003.

(22) Medical or Dental Unit--As defined by Texas Education Code, §61.003.

(23) 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 financial assistance offered under this chapter.

(24) Private or Independent Institution of Higher Education--As defined by Texas Education Code, §61.003.

(25) Program Officer--The individual named by each participating institution's chief executive officer to serve as agent for the Coordinating 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.

(26) Public Junior College--As defined by Texas Education Code, §61.003.

(27) Public State College--As defined by Texas Education Code, §61.003.

(28) Public Technical Institute--As defined by Texas Education Code, §61.003.

(29) 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.

(30) Semester--A payment period, as defined by 34 CFR 668.4(a) or 34 CFR 668.4(b)(1).

(31) 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.

(32) Student Aid Index (SAI)--A measure utilized to calculate a student's financial need as regulated and defined by the methodology used for federal student financial aid.

(33) Three-Quarter-Time--For undergraduate students, enrollment or expected enrollment for the equivalent of at least nine but fewer than twelve 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.

(34) Undergraduate Student--An individual who has not yet received a baccalaureate degree.

§22.9. Institutional Responsibilities.

(a) Probation Notice. If the institution is placed on probation by its accrediting agency, the institution shall immediately notify the Coordinating Board and advise state financial aid recipients of this condition and maintain evidence to demonstrate that state financial aid program recipients were so informed.

(b) Disbursements to Students.

(1) Documentation. Each institution shall maintain records to prove the crediting of state financial aid program funds to the student's school account.

(2) Procedures in Case of Unauthorized Disbursements. If an institution receives an audit or compliance monitoring finding or otherwise determines that the institution has disbursed state financial aid program funds for unauthorized purposes, whether over-allocated, misused, or misallocated, the Program Officer shall notify the Coordinating Board within five business days.

(3) If the Commissioner determines that the institution has made an unauthorized disbursement, the Commissioner will notify the Program Officer of this determination in writing.

(4) The Commissioner may demand, in writing, that the institution return the funds to the Coordinating Board. The institution may comply with this demand and return the funds to the Coordinating Board within thirty calendar days of receipt, unless the Commissioner specifically permits a later deadline. If the institution elects not to comply with this demand, the Coordinating Board may utilize additional tools of recovery, as permitted by law, including any means of recovery authorized by Texas Education Code, §61.035.

(5) In addition, the Commissioner may subject the institution to compliance monitoring.

(6) The Coordinating Board shall not disburse further funds from the program in question to the institution until the funds have been repaid.

(c) Reporting Requirements/Deadlines. Each institution shall submit such reports and information as the Coordinating Board may require in connection with the administration or evaluation of the state financial aid programs. These materials must be submitted within the time allotted by the Coordinating Board for each such report or information request. The Program Officer shall ensure that all reports and information provided to the Coordinating Board properly reflect the facts and certify that those reports may be relied upon as being complete and accurate.

(d) Compliance Monitoring. If selected for such by the Board, Commissioner, or Internal Auditor, a participating institution shall submit to reviews of activities related to state financial aid 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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Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

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For further information, please call: (512) 427-6365



SUBCHAPTER B. TUITION EQUALIZATION GRANT PROGRAM

19 TAC §§22.22 - 22.30

The Texas Higher Education Coordinating Board (Coordinating Board) adopts amendments to Title 19, Part 1, Chapter 22, Subchapter B, §22.24, Tuition Equalization Grant Program, with changes to the proposed text as published in the February 7, 2025, issue of the *Texas Register* (50 TexReg 725). The rules will be republished. Sections 22.22, 22.23, and 22.25 - 22.30 are adopted without changes and will not be republished.

This amendment aligns rule language and terminology with usage throughout Chapter 22, clarifies potential ambiguities in rules, and improves the overall readability of the subchapter.

The Coordinating Board is authorized to adopt rules related to the Tuition Equalization Grant (TEG) Program by Texas Education Code (TEC), §61.229.

The subchapter is retitled to conform with naming conventions throughout Chapter 22.

Included throughout the subchapter are a number of nonsubstantive updates to rule language. References to the Coordinating Board as an agency, for example, previously written as "Board" or "Board staff," are revised to "Coordinating Board" to ensure the distinction is clear between the agency and its governing board. Similarly, the word "award" is changed to the more precise "grant" as a noun and "offer" as a verb, to avoid potential confusion.

References to theological seminaries and religious degree programs have been removed in alignment with legal determinations stemming from recent federal court decisions.

Rule 22.22, Definitions, is amended to eliminate definitions that either are duplicative or unnecessary. The terms "forecast" and "private or independent institution of higher education" have been moved to the chapter's General Provisions and therefore are redundant in this subchapter. "Program maximum" is unchanged conceptually but moved to §22.28(a) to align with the rule structure and flow of other programs in this chapter.

Rule 22.23, Eligible Institutions, is amended to enhance readability through more specific citations to other rules and to clarify potential ambiguities. Paragraph (a)(5) is amended to clarify that the Commissioner of Higher Education makes determinations regarding temporary approvals for alternatively accredited institutions and that renewals of that approval may be renewed twice for two years each time, for maximum of six years of temporary approval possible. This does not reflect a change in Coordinating Board practices.

Rule 22.24, Eligible Students, is amended to align eligibility criteria more closely with defined terms and the rules of other pro-

grams in this chapter. Paragraph (a)(8) is added to align the rule with current practice regarding the Selective Service requirement for program eligibility. Paragraph (b)(2) is amended to specify which year's Pell Grant eligibility cap is used to establish eligibility for exceptional TEG need and to eliminate a potentially confusing reference to the Financial Aid Database. None of the amendments to this section reflect a change in the eligibility for the Tuition Equalization Grant.

Rule 22.25, Satisfactory Academic Progress, is amended to make clarifying changes to the rule language and citations. Subparagraph (b)(1)(A) is simplified by eliminating confusing and unnecessary language regarding satisfactory academic progress requirements following the student's second year in the TEG program.

Rule 22.26, Discontinuation of Eligibility or Non-Eligibility, is amended by making clarifying changes to the time-based discontinuation of eligibility provisions. The current rule language is ambiguous as to what constitutes the "anniversary" from which the five/six-year eligibility is measured. This language is amended to align both with Coordinating Board practice and with rule language in other programs in this chapter. There is no change in policy as a result of this amendment.

Rule 22.27, Hardship Provisions, is amended to conform the hardship provisions with the rule language throughout the chapter.

Rule 22.28, Grant Amounts, is amended by adding the "program maximum" concept that previously was contained in the term's definition in §22.22. There is no change in Coordinating Board policy or practice as a result of this amendment. The section is retitled to more closely align with naming conventions throughout the chapter, as well as the fact that no provisions in the section currently relate to grant adjustments.

Rule 22.29, Allocation of Funds, is amended to make non-substantive language improvements only. Allocation "base" is changed to "share" in paragraph (a)(2) to reflect that no alterations are made to the figure. There is no change to the allocation methodology as a result of these amendments.

Rule 22.30, Disbursement of Funds, is amended by making non-substantive language improvements and by adding a citation to relevant rules in the chapter's General Provisions.

Subsequent to the posting of the rules in the *Texas Register*, the following changes were incorporated into the adopted rule.

Rule §22.24(a)(5) is amended to remove a reference to degree plans that are intended to lead to religious ministry. The reference should have been proposed for repeal along with other such references in the subchapter but was inadvertently left in place.

No comments were received regarding the adoption of the amendments.

The amendment is adopted under Texas Education Code, Section 61.229, which provides the Coordinating Board with the authority to adopt rules related to the Tuition Equalization Grant Program.

The adopted amendments affect Texas Administrative Code, Title 19, Part 1, Chapter 22.

§22.24. *Eligible Students.*

(a) To receive a grant through the TEG Program, a student must:

- (1) be enrolled at least three-quarter-time;
 - (2) show financial need, as defined by §22.1 of this chapter (relating to Definitions);
 - (3) maintain satisfactory academic progress in his or her program of study as determined by the institution at which the person is enrolled and as required by §22.25 of this subchapter (relating to Satisfactory Academic Progress);
 - (4) be a resident of Texas, as defined in §22.1 of this chapter;
 - (5) be enrolled in a participating institution in an individual degree plan leading to the student's first associate degree, first baccalaureate degree, first master's degree, first professional degree, or first doctoral degree;
 - (6) be required to pay more tuition than is required at a comparable public college or university and be charged no less than the tuition required of all similarly situated students at the institution;
 - (7) not concurrently receive any form of athletic scholarship; and
 - (8) meet applicable standards outlined in §22.3 of this chapter (relating to Student Compliance with Selective Service Registration).
- (b) To demonstrate eligibility for exceptional TEG need, a student must:
- (1) be an undergraduate student; and
 - (2) have a Student Aid Index less than or equal to fifty percent of the Federal Pell Grant eligibility cap for the academic year in which the grant is offered.

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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SUBCHAPTER L. TOWARD EXCELLENCE, ACCESS, AND SUCCESS (TEXAS) GRANT PROGRAM

19 TAC §§22.226 - 22.231, 22.233, 22.234, 22.236, 22.238, 22.241

The Texas Higher Education Coordinating Board (Coordinating Board) adopts new rules and amendments to Title 19, Part 1, Chapter 22, Subchapter L, §22.226, Toward EXcellence, Access, and Success (TEXAS) Grant Program, with changes to the proposed text as published in the February 7, 2025, issue of the *Texas Register* (50 TexReg 729). The rule will be republished. Sections 22.227 - 22.231, 22.233, 22.234, 22.236, 22.238, and 22.241, are adopted without changes and will not be republished.

The amendments and new section aligns rule language and terminology with rules throughout the chapter, resolve potential ambiguities in rule language, and improve the overall readability of the subchapter.

The Coordinating Board is authorized to adopt rules related to the TEXAS Grant Program by Texas Education Code, §56.303.

Included throughout the subchapter are a number of nonsubstantive updates to rule language. References to the Coordinating Board as an agency, for example, previously written as "Board" or "Board staff," are revised to "Coordinating Board" to ensure the distinction is clear between the agency and its governing board. Similarly, the word "award" is changed to the more precise "grant" as a noun and "offer" as a verb, to avoid potential confusion.

Rule 22.226, Definitions, is amended by eliminating several duplicative or unnecessary definitions and aligning remaining ones with defined terms in the General Provisions of the chapter. The terms defined in current paragraphs (2), (3), (6), (8), and (13) all are defined in (or are proposed to be defined in) rule 22.1 in the chapter's General Provisions. "Encumbered funds" is unused in the subchapter and accordingly, is eliminated, as "encumber" is already defined in the chapter's General Provisions. The terms "public institution" and "private institution" are eliminated for rule clarity, owing to their proximity to defined terms "institution of higher education" and "private or independent institution of higher education."

Rule 22.227, Eligible Institutions, is amended by eliminating (in paragraph (a)(1)) unnecessary provisions related to the phase out of TEXAS grants offered by two-year institutions of higher education and aligning rule language to defined terms.

Rule 22.228, Eligible Students, is amended to align the rule language with defined terms and clarify a few eligibility criteria. The Coordinating Board's interpretation of the requirement to "have applied for any available financial aid assistance" (paragraph (a)(3)) in this and other programs is for the student to have completed the Free Application for Federal Student Aid or, as needed, the Texas Application for State Financial Aid. The amendments to the rule improve the clarity of the rule and align with current practice. Similarly, the amendments specify that paragraph (a)(5) refers to the Selective Service requirement. Subparagraphs (a)(6)(C) and (a)(6)(D) are clarified by removing the word "continuing" before "undergraduate student." In the context of the rule, it appeared that "continuing" was intended to contrast with "entering undergraduate" in subparagraphs (a)(6)(A) and (a)(6)(B), when in fact, the word does not have a specific meaning. For clarity's sake, then, it is removed. Finally, current paragraph (b)(7) is changed to subsection (c) to establish that it is conceptually different from the continuation grant eligibility criteria listed in subsection (b).

Rule 22.229, Satisfactory Academic Progress, is amended by updating rule language to use defined terms and more specific citations to other rules in the chapter and subchapter.

Rule 22.230, Discontinuation of Eligibility or Non-Eligibility, is amended by adding subsection (a), a restriction on a TEXAS Grant recipient concurrently receiving a Texas Educational Opportunity Grant or Texas Transfer Grant. This restriction aligns with current practice. Rule language in paragraphs (e)(1) and (e)(2) regarding time-related discontinuation of eligibility in certain circumstances is updated to align with the more specific language in subsection (d).

Rule 22.231, Hardship Provisions, is amended to align the subchapter's hardship provisions with those of other programs in its chapter. The provision related to completion rate in paragraph (a)(3) is eliminated as it is no longer relevant to the program.

Rule 22.233, Priority in Grants to Students, is amended to replace the term "expected family contribution" with the newer, "Student Aid Index" (no change in meaning) and to correct a citation.

Rule 22.234, Grant Amounts, is amended by rephrasing subsection (d) for improved readability. The amendments do not represent a change in policy.

Rule 22.236, Allocation and Disbursement of Funds, is amended by aligning rule language with defined terms, making nonsubstantive clarifying edits, and separating provisions relating to disbursement of funds to a separate section. The section is retitled accordingly. Subparagraph (a)(1)(B) is corrected by eliminating the word "entering" before "undergraduate transfer student." The term "entering undergraduate" is defined in §22.226 of the subchapter but used inadvertently here simply to mean "undergraduate transfer student entering an institution." This amendment does not reflect a change in allocation methodology. Paragraph (a)(2) is eliminated, as it relates to the phase out of TEXAS grants offered by two-year institutions of higher education. Finally, subsection (d) is removed and reconstituted as §22.238. There are no changes to the allocation methodology as a result of any amendment to this rule.

Rule 22.238, Disbursement of Funds, is added as the reconstituted §22.236(b), with no changes other than an added citation to a relevant rule in the chapter's General Provisions.

Rule 22.241, Tolling of Eligibility for Initial Year Grant, is amended by aligning language to defined terms and updating citations to other rules in the subchapter.

Subsequent to the posting of the rules in the *Texas Register*, the following changes are incorporated into the adopted rules.

Rule 22.226(6), Definitions, is amended to correct grammatical errors.

No comments were received regarding the adoption of the new rule and amendments.

The amendments and new section are adopted under Texas Education Code, Section 56.303, which provides the Coordinating Board with the authority to adopt rules related to the Toward Excellence, Success, and Access (TEXAS) Grant Program.

The adopted amendments and new section affect Texas Administrative Code, Title 19, Part 1, Chapter 22.

§22.226. 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) Continuation Grant--A TEXAS Grant offered to a person who has previously received an initial year grant.

(2) Entering Undergraduate--A student enrolled in the first thirty 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.

(3) Initial Year Grant--The TEXAS Grant offered in the student's first year in the TEXAS Grant Program.

(4) Prior-Prior Year--For allocation purposes, the state fiscal year that began two years earlier than the fiscal year for which the allocation is being calculated.

(5) Program--The Toward EXcellence, Access and Success (TEXAS) Grant program.

(6) Required Fees--A mandatory fee (required by statute) or discretionary fee (authorized by statute, imposed by the governing board of an institution of higher education) and that an institution of higher education charges to a student as a condition of enrollment at the institution of higher education or in a specific course.

(7) Target Grant Amount--An amount set by the Coordinating Board, in consultation with institutions of higher education participating in the TEXAS Grant Program, and used as the recommended average grant amount for the TEXAS Grant Program for a biennium and in establishing renewal year allocations to participating institutions of higher education as described in §22.236(a)(1) of this chapter (relating to Allocation and Reallocation of Funds).

(8) Tuition--Statutory tuition, designated and/or Board-authorized tuition, as defined in §13.142 of this title (related to Definitions).

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

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Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

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SUBCHAPTER M. TEXAS EDUCATIONAL OPPORTUNITY GRANT PROGRAM

19 TAC §§22.254 - 22.262, 22.264, 22.265

The Texas Higher Education Coordinating Board (Coordinating Board) adopts amendments to, Title 19, Part 1, Chapter 22, Subchapter M, §§22.254 - 22.262, 22.264, and 22.265, Texas Educational Opportunity Grant Program, without changes to the proposed text as published in the February 7, 2025, issue of the *Texas Register* (50 TexReg 735). The rules will not be republished.

This amendment aligns rule language and terminology with other programs in the chapter and clarifies potential ambiguities in the rules.

The Coordinating Board is authorized to adopt rules relating to the Texas Educational Opportunity Grant (TEOG) Program by Texas Education Code, §56.403.

Included throughout the subchapter are a number of nonsubstantive updates to rule language. References to the Coordinating Board as an agency, for example, previously written as "Board" or "Board staff," are revised to "Coordinating Board" to ensure the distinction is clear between the agency and its governing board. Similarly, the word "award" is changed to the more

precise "grant" as a noun and "offer" as a verb, to avoid potential confusion.

Rule 22.254, Definitions, is amended by eliminating the term "forecast," which is being added to §22.1 in the chapter's General Provisions, and by making nonsubstantive changes to existing definitions to align with terminology and usage throughout the chapter.

Rule 22.255, Eligible Institutions, is amended to make nonsubstantive changes related to citations to other rules in the chapter and to clarify references to the TEOG program by capitalizing the word Program as appropriate.

Rule 22.256, Eligible Students, is amended by aligning rule language with defined terms and clarifying subsection (a)(3). The Coordinating Board's interpretation of the requirement to "have applied for any available financial aid assistance" in this and other programs is for the student to have completed the Free Application for Federal Student Aid or, as needed, the Texas Application for State Financial Aid. The amendments to the rule improve the clarity of the rule and align with current practice. Also added is subsection (a)(6), which relates to the Selective Service eligibility requirement. This, too, is current practice but was inadvertently excluded from the rule. None of these amendments reflect a change in eligibility criteria for the program.

Rule 22.257, Satisfactory Academic Progress, is amended by aligning rule language with defined terms, making nonsubstantive clarifying edits, and updating subsection (c) with a more specific citation.

Rule 22.258, Discontinuation of Eligibility or Non-Eligibility, is amended to align rule language with defined terms and specify references to the TEOG program via capitalization.

Rule 22.259, Hardship Provisions, is amended to align hardship provisions for the program with other programs in the chapter.

Rule 22.260, Priorities in Grants to Students, is amended to align rule language with defined terms, replace "expected family contribution" with the newer term, "Student Aid Index" (no change in meaning), and specify references to the TEOG program via capitalization.

Rule 22.261, Grant Amounts, is amended by eliminating the unnecessary subsection (a) -- no rule is required to establish the Coordinating Board's statutory spending limit for the program -- restructuring the rule for improved readability by moving current subsection (b)(1) to become the new subsection (b), and clarifying that the reduction in excess charges described by subsection (c)(2) is considered an exemption, rather than a waiver. There is no change to the overall function of the rule.

Rules 22.262, Allocation of Funds - Public Junior Colleges, and 22.264, Allocation of Funds - Public Technical and State Colleges, are amended to align rule language with defined terms and provide greater detail into the existing allocation methodologies for public junior colleges, and public state colleges and technical institutes, respectively. In both rules, subsection (a)(1)(B) is amended with added language regarding the weighting of half-time, three-quarter time, and full-time students in the allocation formula. This weighting already occurs but had not been stated explicitly in the rule text. It has been added for greater transparency. None of the amendments to either rule should be interpreted as changing the allocation methodologies for this program.

Rule 22.265, Disbursement of Funds to Institutions, is amended by adding a citation to a relevant rule in the chapter's General Provisions.

No comments were received regarding the adoption of the amendments.

The amendment is adopted under Texas Education Code, Section 56.403, which provides the Coordinating Board with the authority to adopt rules related to the Texas Educational Opportunity Grant program.

The adopted amendment affects Texas Administrative Code, Title 19, Part 1, Chapter 22.

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 April 25, 2025.

TRD-202501366

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Effective date: May 15, 2025

Proposal publication date: February 7, 2025

For further information, please call: (512) 427-6365



PART 7. STATE BOARD FOR EDUCATOR CERTIFICATION

CHAPTER 231. REQUIREMENTS FOR PUBLIC SCHOOL PERSONNEL ASSIGNMENTS SUBCHAPTER F. SPECIAL EDUCATION- RELATED SERVICES PERSONNEL ASSIGNMENTS

The State Board for Educator Certification (SBEC) adopts the repeal of §231.701, new §231.701 and §231.710, and amendment to §231.709, concerning special education-related services personnel assignments. The repeal of §231.701, new §231.701, and the amendment to §231.709 are adopted without changes to the proposed text as published in the January 10, 2025 issue of the *Texas Register* (50 TexReg 236) and will not be republished. New §231.710 is adopted with changes to the proposed text as published in the January 10, 2025 issue of the *Texas Register* (50 TexReg 236) and will be republished. The adopted revisions provide requirements for school districts to make personnel assignment decisions based on the correlating certification and demonstration of content proficiency requirements. The adopted revisions also expand the list of certificates appropriate for personnel serving in special education-related assignments and include a section dedicated to requirements for an assignment of Teachers of Students who are Deafblind.

REASONED JUSTIFICATION: The SBEC rules in 19 Texas Administrative Code (TAC) Chapter 231 establish the personnel assignments that correlate with appropriate certifications. The list of courses, organized by grade level and subject area, identify the corresponding certificates and requirements for placement of individuals into classroom and/or campus assignments. This in-

formation assists districts with hiring and personnel assignment decisions.

The adopted revisions to 19 TAC Chapter 231, Subchapter F, Special Education-Related Personnel Assignments, address requirements for placement into special education-related personnel assignments. These adopted revisions, as a part of the broader special education teacher certification redesign plan, ensure that special education teachers are knowledgeable of the grade-level content in which they teach, while allowing flexibility in how this content knowledge is demonstrated.

During the December 2024 meeting, the SBEC approved the proposed revisions to 19 TAC Chapter 231, Subchapter F, Special Education-Related Personnel Assignments, and the Texas Content Competency Worksheet for Special Education Teachers of Record (Grades EC-12).

Previous SBEC Discussion

A summary of previous SBEC discussion is outlined in the following table.

Figure: 19 TAC Chapter 231, Subchapter F - Preamble

Adopted Updates to Subchapter F, Special Education-Related Services Personnel Assignments:

The following is a description of the adopted revisions to 19 TAC Chapter 231, Subchapter F.

Adopted New 19 TAC §231.701. Special Education Teacher:

The adopted repeal of and new 19 TAC §231.701, Special Education Teacher, clearly articulates requirements for placement into special education assignments at the elementary and secondary levels.

Adopted new 19 TAC §231.701(a) specifies the effective date of provisions in this revised section.

Adopted new 19 TAC §231.701(b) specifies the required SBEC-issued special education certificate needed to serve in an assignment of special education teacher.

Adopted new 19 TAC §231.701(c) clarifies that the certificates listed in subsection (a) are appropriate for Prekindergarten-Grade 12 unless additional requirements are noted elsewhere.

Adopted new 19 TAC §231.701(d) specifies content area competency requirements for teachers in an assignment of special educator serving as the teacher of record. These adopted rules require special education teachers of record to hold a valid content area certificate that matches the subject and grade level of the assignment or meet all requirements as outlined in the Texas Content Area Competency Worksheet for Special Education Teachers of Record adopted in rule as Figure: 19 TAC §231.701(d).

In response to public comment, changes were made to Figure: 19 TAC §231.701(d) at adoption that include allowing the additional criteria of holding a content-aligned National Board Certification, holding a Teacher Incentive Allotment designation, and completing relevant professional development within the last five years as qualifying factors for demonstration of content knowledge. Additional flexibility was added for secondary teachers of record for multiple content areas.

Adopted new 19 TAC §231.701(e) specifies that the employing school district is responsible for ensuring educators are trained to meet the needs of their assignment.

Adopted Amendment to 19 TAC §231.709. Teacher of Students with Auditory Impairments

The adopted section title aligns with certificate naming conventions and more accurate terminology used in the field.

The adopted amendment to 19 TAC §231.709(a)-(c) strikes "Teacher of Students with Auditory Impairments" and replaces it with "Teacher of the Deaf and Hard of Hearing" to align with the new section title and more appropriate terminology used in the field.

Adopted New 19 TAC §231.710. Teacher of Students who are Deafblind

Adopted new 19 TAC §231.710, Teachers of Students who are Deafblind, specifies the Deafblind Supplemental: Early Childhood-Grade 12 certificate as the appropriate credential for placement into this teaching assignment.

Adopted new 19 TAC §231.710(a) specifies the certification requirement for an assignment of Teachers of Students who are Deafblind.

Adopted new §231.710(b) provides a list of additional certificates a teacher of students who are Deafblind might hold.

SUMMARY OF COMMENTS AND RESPONSES: The public comment period on the proposal began January 10, 2025, and ended February 10, 2025. The SBEC also provided an opportunity for registered oral and written comments on the proposal at the February 14, 2025 meeting's public comment period in accordance with the SBEC board operating policies and procedures. The following public comments were received on the proposal.

Comment: The Texas Classroom Teachers Association supported the clarification in the rule that allows certain special education teachers to be grandfathered from the new requirements for demonstrating content competency if their campus administrator indicates that they have met the HOUSSE (High Objective Uniform State Standard of Evaluation) requirements.

Response: The SBEC agrees. The proposed rule text ensures special education teachers who previously met HOUSSE requirements can continue to serve in their placements with no disruption, pending administrator attestation in Section B of the Texas Core Content Competency Worksheet for Special Education Teachers of Record.

Comment: One teacher requested that a certification track for special educators who teach alternate curriculum in life skills, autism, or functional academics classes be developed to provide opportunities for teachers who would no longer be eligible to teach in these areas under the proposed rules.

Response: The SBEC disagrees. While it is under the SBEC's authority to explore new certification options for teachers, the rules ensure those teachers who previously met HOUSSE can continue to serve in their placement and provide flexible options for teachers who did not previously meet HOUSSE requirements to demonstrate their content competency.

Comment: One administrator suggests that continuing the option for secondary special education teachers who are the teacher of record for all four core subject areas for secondary students assessed on alternative achievement standards and who provide instruction exclusively at the elementary level to have the appropriate special education certification plus elementary certification would be very helpful.

Response: The SBEC disagrees. Federal requirements state that all students, including those with the most significant cognitive disabilities assessed on alternate achievement standards, should have access to general education curriculum for the grade level in which the students are enrolled. The proposed rules continue to require the appropriate special education certification, and the Texas Core Content Competency Worksheet for Special Education Teachers of Record provides flexible options for all special education teachers of record, including those at the secondary level responsible for all four core content areas, to demonstrate their content competency.

Comment: One administrator supported the proposed revisions to §231.701, Special Education Teacher, and stated that they are essential to updating HOUSSE regulations.

Response: The SBEC agrees. The Texas Core Content Competency Worksheet for Special Education Teachers of Record provides an alternate pathway for special education teachers of record to demonstrate their content proficiency if they do not hold the aligned content certification.

Comment: One school psychologist commented with concerns and recommended a reconsideration of the proposal as it relates to certifying educators who provide psychological services.

Response: The public comment is outside the scope of the proposed rulemaking, as school psychologist requirements are included in 19 TAC Chapter 231, Subchapter G, Paraprofessional Personnel, Administrators, and Other Instructional and Professional Support Assignments.

Comment: One Texas administrator expressed concern that increasing certification requirements for special education teachers will increase the difficulty in recruiting new teachers to the field as well as keeping those already in the field. The commenter also stated that the proposed change might increase the expectations of special education teachers, which could be a detriment to recruitment.

Response: The SBEC disagrees. The rules would not increase certification requirements. Instead, the rules specify that all special education teachers need a special education certification, and special education teachers serving as teacher of record need to demonstrate content competency, either through content certification or by meeting requirements outlined in the Texas Content Competency Worksheet for Special Education Teachers of Record.

Comment: One individual commented that the proposed changes requiring 24 points across all content areas with no areas having less than three points will present undue obstacles for teachers who do not have access to some of the options. The commenter suggested a requirement of 24 points that can be achieved in any way possible given the activities listed on the proposal, without the stipulation of having less than three points in all areas.

Response: The SBEC disagrees. In an elementary setting, teachers are often responsible for instruction in one or more content areas. The current structure of a cumulative 24 points maximizes flexibility for elementary teachers, while the 3-point minimum ensures some competency in each subject area. The Texas Core Content Competency Worksheet for Special Education Teachers of Record provides a range of flexible options for teachers to demonstrate their content competency.

Comment: One director of special education services for an education service center supported the changes as written and

stated that the proposed revisions decrease the reliance of Texas teachers on HOUSSE.

Response: The SBEC agrees. The Texas worksheet aligns with federal requirements and provides additional flexibility for teachers to demonstrate their content competency in each subject area.

Comment: One educational diagnostician requested that the board not require additional certification for educational diagnosticians or provide an option for current diagnosticians to be grandfathered in without additional certification requirements. The commenter stated that diagnosticians in the state are already stretched thin, and requiring additional certification feels punitive.

Response: The comment is outside the scope of the proposed rulemaking.

Comment: One school psychologist requested that the board reconsider the proposal or modify the legal definition for psychological services.

Response: The public comment is outside the scope of the proposed rulemaking, as school psychologist requirements are included in 19 TAC Chapter 231, Subchapter G, Paraprofessional Personnel, Administrators, and Other Instructional and Professional Support Assignments.

Comment: The Texas Council of Administrators of Special Education (TCASE) expressed appreciation for the flexibility of the proposed new rules and the new worksheet but have concerns with qualifying teachers of all subjects at the high school level. TCASE stated that it is difficult to qualify high school special education teachers in mathematics and science and disagreed with the premise that it is inappropriate to assign a teacher with the grade level expertise that matches the knowledge and skill level of a student, since a student's functional performance can be lower than their enrolled grade level. TCASE also proposed additional edits such as removing the word "relevant" from Sections C and D, aligning professional development time limit to certification renewal requirements, allowing elementary teachers to count secondary professional development, and providing clarity on whether the worksheet is an annual requirement and clarifying the effective date. In addition, TCASE requested that additional flexibility be added to the Texas Core Content Competency Worksheet, specifically for secondary teachers of record who teach multiple content areas.

Response: The SBEC disagrees with qualifying teachers of all subjects at the high school level and with removing the term "relevant." While the Texas Core Content Competency Worksheet should align with professional certification requirements and allow for additional flexibilities in both the elementary and secondary sections, federal requirements state that all students should have access to general education curriculum for the grade level in which the students are enrolled. Likewise, the term "relevant" is necessary to ensure that the professional development generating points on an educator's worksheet are both related to the content area they are assigned as teacher of record, as well as relevant to the courses they are responsible for. The SBEC agrees with adding flexibility to the Texas Core Content Competency Worksheet. At adoption, the SBEC modified the worksheet to include holding a content-aligned National Board Certification, holding a Teacher Incentive Allotment designation, and completing relevant professional development within the last five years as qualifying factors for demonstration

of content knowledge. Additionally, flexibility was added for secondary teachers of record for multiple content areas.

Comment: Disability Rights Texas commented with a concern about secondary level special education teachers and how they use the worksheet referenced in the proposed changes. While emphasizing the importance that all students with disabilities have access to qualified teachers, the commenter recognizes that it can be difficult to find special education teachers who demonstrate competency in each core content area in which they teach. In this case, the commenter suggested that the rule should be revised to allow a special education teacher to work with a co-teacher who meets the points requirement in the Worksheet or has content certification in a co-teach model, as a way to satisfy the new requirements.

Response: The SBEC disagrees. The Texas Core Content Competency Worksheet includes flexible options for secondary teachers of multiple content areas to meet content competency requirements, as well as provisions for first year teachers who do not meet content competency requirements.

Comment: One teacher commented in support of the proposed changes but suggested that additional options be considered to offer even more flexibility in hiring special education teachers. The commenter suggested options such as accepting a passing score on the Pre-Admission Content Test (PACT) exam, accepting college credit hours in the content areas, assigning points for a passing score on the older 161 Special Education EC-12 exam, accepting teaching experience and relevant professional development, and accepting residency placement.

Response: The SBEC disagrees. The Texas Core Content Competency Worksheet for Special Education Teachers of Record already includes most of the suggestions from the commenter for teachers to generate points from a passing score on a PACT exam, college credit hours, previous teaching experience, relevant professional development, and residency placements, among other flexible options; however, the 161 Special Education EC-12 exam will retire in September of 2025 and will no longer be an available option for special education certification.

The State Board of Education (SBOE) took no action on the review of the repeal of §231.701, new §231.701 and §231.710, and amendment to §231.709 at the April 11, 2025 meeting.

19 TAC §231.701

STATUTORY AUTHORITY. The repeal is adopted under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031(a), which states that the SBEC shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.064, which requires the SBEC to stop the issuance and renewal of master teacher certificates effective June 12, 2019, to add a designation of "legacy" to each master teacher

certificate issued, and to recognize these certificates until they expire.

CROSS REFERENCE TO STATUTE. The repeal implements Texas Education Code, §§21.003(a); 21.031(a); 21.041(b)(1) and (2); and 21.064.

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

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

TRD-202501384

Cristina De La Fuente-Valadez

Director, Rulemaking

State Board for Educator Certification

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Proposal publication date: January 10, 2025

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



19 TAC §§231.701, 231.709, 231.710

STATUTORY AUTHORITY. The new sections and amendment are adopted under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031(a), which states that the SBEC shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.064, which requires the SBEC to stop the issuance and renewal of master teacher certificates effective June 12, 2019, to add a designation of "legacy" to each master teacher certificate issued, and to recognize these certificates until they expire.

CROSS REFERENCE TO STATUTE. The new sections and amendment implement Texas Education Code, §§21.003(a); 21.031(a); 21.041(b)(1) and (2); and 21.064.

§231.710. *Teacher of Students who are Deafblind.*

(a) An assignment for Teacher of Students who are Deafblind is allowed with the Deafblind Supplemental: Early Childhood-Grade 12 certificate.

(b) A teacher in an assignment for Teacher of Students who are Deafblind must also hold one or more of the following certificates.

(1) Teacher of Students with Visual Impairments Supplemental: Early Childhood-Grade 12.

(2) Teacher of the Deaf and Hard of Hearing: Early Childhood-Grade 12.

(3) Teacher of Students who are Visually Impaired.

(4) Deficient Vision.

(5) Visually Handicapped.

(6) Deaf and Severely Hard of Hearing.

(7) Hearing Impaired.

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

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Cristina De La Fuente-Valadez

Director, Rulemaking

State Board for Educator Certification

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



CHAPTER 235. CLASSROOM TEACHER CERTIFICATION STANDARDS

The State Board for Educator Certification (SBEC) adopts an amendment to §235.1, new §§235.2, 235.11, 235.21, and 235.61, and the repeal of §§235.11, 235.13, 235.21, 235.41, 235.61, and 235.63, concerning classroom teacher certification standards. Sections 235.1, 235.11, 235.13, 235.21, 235.41, 235.61, and 235.63 are adopted without changes to the proposed text as published in the January 10, 2025 issue of the *Texas Register* (50 TexReg 239) and will not be republished. Section 235.2 is adopted with changes to the proposed text as published in the January 10, 2025 issue of the *Texas Register* (50 TexReg 239) and will be republished. The adopted revisions repeal the current grade-banded classroom teacher pedagogy standards and replace them with the new Classroom Teacher Pedagogy standards.

REASONED JUSTIFICATION: The SBEC rules in 19 Texas Administrative Code (TAC) Chapter 235, Classroom Teacher Certification Standards, specify the standards for the classroom teacher class of certificates. SBEC is statutorily authorized to ensure that all candidates for certification or renewal demonstrate the knowledge and skills necessary to improve the performance of this state's student population. The classroom teacher certification standards are the basis for educator preparation programs (EPPs) to effectively prepare classroom teachers and the foundation for the certification examinations.

Updated Classroom Teacher Pedagogy Standards

At the September 2023 SBEC meeting, the Board approved membership to the Educator Standards Advisory Committee (ESAC). The ESAC participated in sessions that informed their work and engaged in an iterative standards revision process from November 2023 - March 2024.

At the April 2024 SBEC meeting, SBEC reviewed and discussed a draft of the updated Classroom Teacher Pedagogy Standards. Both SBEC and stakeholders indicated a need to more clearly include lesson design as an essential skill for teachers. Texas Education Agency (TEA) staff updated the standards to include lesson design and presented an updated draft to SBEC at its July 2024 meeting. During the July and September 2024 SBEC meetings, SBEC reviewed and discussed the updated drafts of the Classroom Teacher Pedagogy Standards reflective of additional stakeholder feedback. Since the September 2024 SBEC

meeting, minor changes were made to the standards in response to SBEC and stakeholder feedback.

Adopted Revisions to 19 TAC Chapter 235, Subchapters A, B, C, and D:

The following is a description of the adopted revisions to 19 TAC Chapter 235, Subchapters A, B, C, and D. The adopted revisions reflect a reorganization of educator standard groups and include the new classroom teacher certification standards that serve to implement House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023. The adopted revisions also provide additional specification related to implementation of HB 159, 87th Texas Legislature, Regular Session, 2021, and Senate Bill 226, 87th Texas Legislature, Regular Session, 2021.

Subchapter A. General Provisions

Adopted Amendment to 19 TAC §235.1

The adopted amendment to 19 TAC §235.1(a) updates the cross reference to the SBEC's rules related to educator preparation curriculum and outlines the required use of educator standards in EPP curriculum.

The adopted amendment to 19 TAC §235.1(b)(4) strikes the term "grade-band" to better align with subsequent subchapters and sections and creates a single set of standards across Early Childhood-Grade 12.

Adopted New 19 TAC §235.2. Definitions

The adopted new 19 TAC §235.2 includes definitions that provide clarity for the field and promotes a common understanding of terms used within the updated Classroom Teacher Pedagogy Standards.

In response to public comment, the phrase "approved by the State Board of Education" was added at adoption to the definition of "high-quality instructional materials" to reference the State Board of Education's authority to approve high-quality instructional materials (HQIM).

Subchapter B. Early Childhood Certificate Standards

The adopted repeal of Subchapter B, Elementary School Certificate Standards, and new Subchapter B, Early Childhood Certificate Standards, removes the Pedagogy and Professional Responsibilities Standards for Prekindergarten-Grade 3 and Early Childhood-Grade 6 and aligns with the reorganization of subsequent subchapters. The subchapter title was also updated to more accurately reflect the content standards for teachers of students in Prekindergarten-Grade 3.

Adopted New 19 TAC §235.11. Content Standards, Early Childhood: Prekindergarten-Grade 3

The adopted new 19 TAC §235.11 outlines the content standards for Prekindergarten-Grade 3.

Subchapter C. Classroom Teacher Pedagogy Standards, Early Childhood-Grade 12

The adopted repeal and replacement of Subchapter C, Middle School Certificate Standards, removes the Pedagogy and Professional Responsibilities Standards for Grades 4-8 and aligns with the reorganization of the adopted new subchapters. The subchapter title was also updated to more accurately reflect the updated classroom teaching standards for Early Childhood-Grade 12.

Adopted New 19 TAC §235.21. Classroom Teacher Pedagogy Standards, Early Childhood-Grade 12

The adopted new 19 TAC §235.21 outlines teacher pedagogy and English language arts and reading (ELAR) and Mathematics content pedagogy standards for teachers of students in Early Childhood-Grade 12. The adopted updated standards work to inform the preparation, appraisal, and professional development of Early Childhood-Grade 12 pre- and in-service teachers in Texas.

The adopted new §235.21(a) provides an overview of the educator standards in adopted new Subchapter C, Classroom Teacher Pedagogy Standards, Early Childhood-Grade 12.

Due to error as submitted by TEA in the January 10, 2025 issue of the *Texas Register* (50 TexReg 239), the TEA filed a correction of error to correct typographical errors in 19 TAC §235.21(a) so the text at adoption reads "define a teacher's role as a professional, ethical, and reflective practitioner." This correction of error is published in the *In Addition* section of this issue.

The adopted new §235.21(b) outlines the necessary knowledge and skills related to instructional preparation.

The adopted new §235.21(c) outlines the necessary knowledge and skills related to instructional delivery and assessment.

The adopted new §235.21(d) outlines the necessary knowledge and skills related to content pedagogy for all teachers and for teachers leading ELAR and mathematics classes.

The adopted new §235.21(e) outlines the necessary knowledge and skills related to learning environment.

The adopted new §235.21(f) outlines the necessary knowledge and skills related to professional practices and responsibilities.

Subchapter D. Trade and Industrial Workforce Training Certification Standards

The adopted repeal and replacement of Subchapter D, Secondary School Certificate Standards, removes the Pedagogy and Professional Responsibilities Standards for Grades 7-12 and aligns with the reorganization of the adopted new subchapters. The subchapter title was also updated to more accurately reflect rules that were focused on the Trade and Industrial Workforce Training Certification Standards for Grades 6-12.

Adopted New 19 TAC §235.61. Pedagogy and Professional Responsibilities Standards, Grades 6-12, Trade and Industrial Workforce Training

The adopted new 19 TAC §235.61 outlines pedagogy and professional responsibilities standards for teachers of students in Grades 6-12 Trade and Industrial Workforce Training courses.

The following table provides a high-level overview of the reorganization of educator standards in Chapter 235, Subchapters B, C, and D.

Figure: 19 TAC Chapter 235 - Preamble

SUMMARY OF COMMENTS AND RESPONSES: The public comment period on the proposal began January 10, 2025, and ended February 10, 2025. The SBEC also provided an opportunity for registered oral and written comments on the proposal at the February 14, 2025 meeting's public comment period in accordance with the SBEC board operating policies and procedures. The following public comments were received on the proposal.

Comment: One teacher suggested that SBEC expand the practicum option for other programs beyond business, considering local labor markets and allowing certifications such as Fusion 360 to count as a Tier 1 or Tier 2 option, and offer incentives to encourage career and technical education teachers to become certified in their areas. The commenter suggested Florida's Career and Professional Education (CAPE) Act as a potential model.

Response: The comment is outside the scope of the proposed rulemaking, as it refers to the Pedagogy and Professional Responsibility Standards, Grade 6-12, Trade and Industrial Workforce Training. The proposed revised standards apply to the classroom teacher pedagogy standards for Grades Early Childhood-Grade 12. There are no revisions to the Trade and Industrial Workforce Training standards.

Comment: One administrator stated that requiring additional certifications will be detrimental to recruiting and retaining qualified teachers, especially in rural areas.

Response: The comment is outside the scope of the proposed rulemaking, as the proposed Classroom Teacher Pedagogy Standards do not create any additional certificates.

Comment: One associate professor of educational psychology commented in favor of the new standards that integrate evidence-based cognitive science that supports long lasting learning. The commenter emphasized that incorporating the science of learning does not threaten teacher autonomy but rather supports it.

Response: The SBEC agrees. Evidence-based cognitive science is embedded throughout the standards to support teacher expertise.

Comment: One administrator of a Texas EPP commented in support of the proposed changes in the educator standards. The commenter emphasized the importance of instructing teachers on how to use high-quality resources as they plan for instruction.

Response: The SBEC agrees. The standards clarify instructional preparation practices that will ensure newly certified teachers are prepared to meet the needs of their districts.

Comment: Texas American Federation of Teachers (Texas AFT) commented that the current definition of "high-quality instructional materials" in the proposed rules is inconsistent with other definitions communicated by the TEA related to HB 1605, 88th Texas Legislature, Regular Session, 2023, and HQIM. The commenter expressed concern that this will lead to confusion and requested that the definition of HQIM, as defined by the SBEC, be modified to reflect the State Board of Education's (SBOE's) authority to define HQIM so that there is a singular definition through the TAC.

Response: The SBEC agrees. Including SBOE's authority to approve HQIM in the definition will clarify the term while maintaining the intent of the revised standards. The SBEC adopted a technical edit to the HQIM definition in 19 TAC §235.2(13).

Comment: One teacher commented in support of the new standards. The commenter stated that it is important for teachers to be able to design lessons and demonstrate the ability to evaluate, navigate, select, and customize high-quality materials for their grade level and subject.

Response: The SBEC agrees. The revisions to the standards recognize lesson design, as well as analysis and internalization

of instructional materials, as essential knowledge and skills for all teachers to effectively prepare for instruction.

Comment: One parent commented that the proposed changes incorporate many positive and streamlined changes that will benefit students, educators, and EPPs. The commenter stated that the proposed changes add more depth and clarity regarding legislative changes at the state level and that the updates reflect evidence and research-based best practices that will support all Texas schoolchildren.

Response: The SBEC agrees. The standards align with legislation and create a unified set of expectations for best practices to guide teacher preparation.

Comment: One teacher commented in support of the proposed changes. The commenter emphasized that training Texas teachers to use assessment data to identify prior knowledge and plan for the needs of students helps to prepare Texas teachers to provide high-quality instruction that benefits Texas students. The commenter added that using a pre-assessment with a struggling student helped to understand the student's prior knowledge and tailor the use of high-quality instructional materials to meet the student's instructional needs.

Response: The SBEC agrees. The revised standards recognize assessment and analysis of student work, based in the cognitive science of learning, as essential skills and embed these practices throughout preparation and delivery of instruction.

Comment: One administrator commented in support of the proposed changes. The commenter shared that their district is in their third year of HQIM implementation and that embedding and planning for Research-Based Instructional Strategies has been crucial to the success of their educators going into their first year of teaching. The commenter also emphasized the importance of mentorship, coaching, and fostering an understanding of the Texas Teacher Evaluation and Support System (T-TESS) rubric in helping educators reach optimal success with their students.

Response: The SBEC agrees. Research-based instructional strategies for instructional preparation, delivery, assessment, classroom management, and continuous improvement are embedded throughout the standards to ensure newly certified teachers are ready to meet the needs of their districts.

The State Board of Education (SBOE) took no action on the review of the amendment to §235.1, new §§235.2, 235.11, 235.21, and 235.61, and the repeal of §§235.11, 235.13, 235.21, 235.41, 235.61, and 235.63 at the April 11, 2025 SBOE meeting.

SUBCHAPTER A. GENERAL PROVISIONS

19 TAC §235.1, §235.2

STATUTORY AUTHORITY. The amendment and new section are adopted under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031, which authorizes the SBEC to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators, and states that in proposing rules under the TEC, Chapter 21, Subchapter B, the SBEC shall ensure that all candidates for certification or renewal of certification demonstrate the knowledge and skills necessary to improve the performance of the diverse student population of

this state; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.041(b)(4), which requires the SBEC to propose rules that specify the requirements for the issuance and renewal of an educator certificate.

CROSS REFERENCE TO STATUTE. The amendment and new section implement Texas Education Code (TEC), §§21.003(a), 21.031, and 21.041(b)(1), (2), and (4).

§235.2. *Definitions.*

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

(1) **Academic language**--The oral, written, auditory, and visual language specific to a discipline. It includes vocabulary, grammar, punctuation, syntax, discipline-specific terminology, and rhetorical conventions that allow students to acquire knowledge and academic skills.

(2) **Accelerated instruction/Acceleration**--Includes aligned research-driven strategies and supports within a multi-tiered instructional model that helps students make more than one year of growth in one year of time.

(3) **Complex text**--Texts that provide students opportunities to work with new language, knowledge, and ways of thinking. Text complexity is evaluated along quantitative dimensions such as word and sentence length, qualitative dimensions such as text structure, levels of meaning, and language conventions, and considerations, including the reader's background, motivation, and knowledge of the topic.

(4) **Deliberate practice**--Practice that is systematic, requires sustained attention, and is conducted with the specific goal of improving performance on targeted skills.

(5) **Encoding**--The process by which information is initially coded to be stored and retrieved. Encoding requires attention to key concepts and knowledge structures and is aided by reducing extraneous cognitive load or information in the learning environment.

(6) **Engagement**--A state in which students are cognitively and behaviorally connected to and involved in their learning experience, characterized by participation, curiosity, and perseverance.

(7) **Evidence-based**--A concept or strategy that has been evaluated as a whole and found to have positive effects when implemented with programmatic fidelity.

(8) **Explanatory feedback**--Feedback that provides the learner with an explanation of strengths and weaknesses related to the learning activity or assignment.

(9) **Explicit instruction**--Instruction in which the teacher's actions are clear, unambiguous, direct, and visible. Explicit instruction makes it clear what the students are to do and learn.

(10) **Fixed personality traits**--The misconception that personality traits become fixed at certain stages of an individual's development and do not change over time.

(11) **Formative assessment**--A deliberate low or no-stakes process used by teachers during instruction to elicit and use evidence of student learning to provide actionable feedback and improve students' attainment of learning targets.

(12) **Hemispheric dominance**--The misconception that each brain hemisphere is specialized to process information differently and that the dominant hemisphere determines a person's personality and way of thinking.

(13) **High-quality instructional materials**--Instructional materials, approved by the State Board of Education, that ensure full coverage of Texas Essential Knowledge and Skills; are aligned to evidence-based best practices in the relevant content areas; support all learners, including students with disabilities, emergent bilingual students, and students identified as gifted and talented; enable frequent progress monitoring through embedded and aligned assessments; include implementation supports for teachers; and provide teacher and student-facing lesson-level materials.

(14) **Instructional preparation**--Describes the process by which a teacher uses knowledge of students and student learning to prepare instructional delivery to a unique group of students. Instructional preparation may include activities such as lesson plan design, evaluation of instructional materials, and lesson internalization.

(15) **Interleaving**--An instructional technique that arranges practice of topics in such a way that consecutive problems cannot be solved by the same strategy.

(16) **Just-in-time supports**--A learning acceleration strategy that integrates small, timely supports to address gaps in the most critical prerequisite knowledge and skills that students will need to access grade or course level content in upcoming units.

(17) **Learning styles**--The disproven theory that identifies learners by type--visual, auditory, reading and writing, and kinesthetic--and adapts instruction to the individual's learning style.

(18) **Lesson plan design**--Describes the process by which a teacher creates the planned learning experiences and related instructional materials for a topic. Lesson plan design includes activities such as developing or selecting objectives, learning experiences, sequencing, scaffolds, resources, materials, tasks, assessments, and planned instructional practices.

(19) **Lesson internalization**--An aspect of instructional preparation specific to teaching a lesson or unit. It includes activities such as evaluating sequencing, learning goals, and expected outcomes, using assessment data to identify prior knowledge, studying lesson content, rehearsing lesson delivery, identifying possible misconceptions, as well as planning instructional strategies, materials, and pacing.

(20) **Metacognition**--The awareness of how one's mind learns and thinks and the use of that awareness to optimize the efficiency of learning and cognition.

(21) **Multiple means of engagement**--A range of options provided to engage and motivate students in learning.

(22) **Multiple means of representation**--A range of options provided in the ways that information is presented to students.

(23) **Multiple means of action and expression**--A range of options provided in the ways that students express or demonstrate their learning.

(24) **Open education resource instructional materials**--State-developed materials included on the list of approved instructional materials maintained by the State Board of Education under Texas Education Code (TEC), §31.022, where the underlying intellectual property is either owned by the state of Texas or it can be freely used and modified by the state in perpetuity.

(25) Patterns of student thinking--Common patterns in the ways in which students think about and develop understanding and skill in relation to particular topics and problems.

(26) Productive struggle--Expending effort to understand a challenging situation and determine a course of action when no obvious strategy is stated, and receiving support that encourages persistence without removing the challenge.

(27) Recall--Also referred to as "retrieval," the mental process of retrieving information that was previously encoded and stored in long-term memory.

(28) Remediation--Strategies that focus on the drilling of isolated skills that bear little resemblance to current curriculum. Activities connect to past standards and aim to master content from past years.

(29) Research-based--A concept or strategy with positive findings from studies effective in isolation or combination with other researched strategies or evidence-based programs.

(30) Retrieval practice--Also referred to as "testing effect" or "active recall," it is the finding that trying to remember previously learned material, including by responding to questions, tests, assessments, etc., leads to better retention than restudying or being retold the material for an equivalent amount of time.

(31) Science of learning--The summarized existing cognitive-science, cognitive psychology, educational psychology, and neuroscience research on how people learn, as it connects to practical implications for teaching.

(32) Second language acquisition--The process through which individuals leverage their primary language to learn a new language. A dynamic process of learning and acquiring proficiency in the English language, supported by exposure to comprehensible input, interaction, formal instruction, and access to resources and support in English and primary language.

(33) Spaced practice/Distributed practice--Spaced practice sequences learning in a way that students actively retrieve learned information from long-term memory through multiple opportunities over time with intervals in between--starting with shorter intervals initially (e.g., hours or days) and building up to longer intervals (e.g., weeks).

(34) State Board of Education--approved instructional materials--Materials included on the list of approved instructional materials maintained by the State Board of Education under Texas Education Code (TEC), §31.022.

(35) Summative assessment--Medium-to-high-stakes assessments, administered at the conclusion of an instructional period that are used to evaluate student learning, knowledge, proficiency, or mastery of a learning target.

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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Director, Rulemaking

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

SUBCHAPTER B. ELEMENTARY SCHOOL CERTIFICATE STANDARDS

19 TAC §§235.11, 235.13, 235.21

STATUTORY AUTHORITY. The repeals are adopted under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031, which authorizes the SBEC to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators, and states that in proposing rules under the TEC, Chapter 21, Subchapter B, the SBEC shall ensure that all candidates for certification or renewal of certification demonstrate the knowledge and skills necessary to improve the performance of the diverse student population of this state; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.041(b)(4), which requires the SBEC to propose rules that specify the requirements for the issuance and renewal of an educator certificate.

CROSS REFERENCE TO STATUTE. The repeals implement Texas Education Code (TEC), §§21.003(a), 21.031, and 21.041(b)(1), (2), and (4).

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 §235.11

STATUTORY AUTHORITY. The new section is adopted under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031, which authorizes the SBEC to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators, and states that in proposing rules under the TEC, Chapter 21, Subchapter B, the SBEC shall ensure that all candidates for certification or renewal of certification demonstrate the knowledge and skills necessary

to improve the performance of the diverse student population of this state; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.041(b)(4), which requires the SBEC to propose rules that specify the requirements for the issuance and renewal of an educator certificate.

CROSS REFERENCE TO STATUTE. The new section implements Texas Education Code (TEC), §§21.003(a), 21.031, and 21.041(b)(1), (2), and (4).

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SUBCHAPTER C. CLASSROOM TEACHER PEDAGOGY STANDARDS, EARLY CHILDHOOD-GRADE 12

19 TAC §235.21

STATUTORY AUTHORITY. The new section is adopted under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031, which authorizes the SBEC to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators, and states that in proposing rules under the TEC, Chapter 21, Subchapter B, the SBEC shall ensure that all candidates for certification or renewal of certification demonstrate the knowledge and skills necessary to improve the performance of the diverse student population of this state; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.041(b)(4), which requires the SBEC to propose rules that specify the requirements for the issuance and renewal of an educator certificate.

CROSS REFERENCE TO STATUTE. The new section implements Texas Education Code (TEC), §§21.003(a), 21.031, and 21.041(b)(1), (2), and (4).

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19 TAC §235.41

STATUTORY AUTHORITY. The repeal is adopted under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031, which authorizes the SBEC to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators, and states that in proposing rules under the TEC, Chapter 21, Subchapter B, the SBEC shall ensure that all candidates for certification or renewal of certification demonstrate the knowledge and skills necessary to improve the performance of the diverse student population of this state; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.041(b)(4), which requires the SBEC to propose rules that specify the requirements for the issuance and renewal of an educator certificate.

CROSS REFERENCE TO STATUTE. The repeal implements Texas Education Code (TEC), §§21.003(a), 21.031, and 21.041(b)(1), (2), and (4).

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. SECONDARY SCHOOL CERTIFICATE STANDARDS

19 TAC §235.61, §235.63

STATUTORY AUTHORITY. The repeals are adopted under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031, which authorizes the SBEC to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators, and states that in proposing rules under the TEC, Chapter 21, Subchapter B, the SBEC shall ensure that all candidates for certification or renewal of certification demonstrate the knowledge and skills necessary to improve the performance of the diverse student population of this state; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.041(b)(4), which requires the SBEC to propose rules that specify the requirements for the issuance and renewal of an educator certificate.

CROSS REFERENCE TO STATUTE. The repeals implement Texas Education Code (TEC), §§21.003(a), 21.031, and 21.041(b)(1), (2), and (4).

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19 TAC §235.61

STATUTORY AUTHORITY. The new section is adopted under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031, which authorizes the SBEC to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators, and states that in proposing rules under the TEC, Chapter 21, Subchapter B, the SBEC shall ensure that all candidates for certification or renewal of certification demonstrate the knowledge and skills necessary to improve the performance of the diverse student population of this state; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2), which requires the SBEC to propose rules

that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.041(b)(4), which requires the SBEC to propose rules that specify the requirements for the issuance and renewal of an educator certificate.

CROSS REFERENCE TO STATUTE. The new section implements Texas Education Code (TEC), §§21.003(a), and 21.031, 21.041(b)(1), (2), and (4).

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 249. DISCIPLINARY PROCEEDINGS, SANCTIONS, AND CONTESTED CASES

The State Board for Educator Certification (SBEC) adopts amendments to §§249.3, 249.11 - 249.15, 249.17, 249.26, 249.27, and 249.37, concerning disciplinary proceedings, sanctions, and contested cases. Sections 249.3, 249.11 - 249.15, 249.26, 249.27, and 249.37 are adopted without changes to the proposed text as published in the January 10, 2025 issue of the *Texas Register* (50 TexReg 251) and will not be republished. Section 249.17 is adopted with changes to the proposed text as published in the January 10, 2025 issue of the *Texas Register* (50 TexReg 251) and will be republished. The adopted amendments reflect the results of prior discussions on Chapter 249 by the SBEC, as well as multiple stakeholder engagement sessions, by amending the contract abandonment mitigating factors; amending the definition of solicitation to add grooming behaviors; updating the SBEC's mandatory minimum sanctions; updating the SBEC's mailing procedures to allow original petitions and default petitions to be sent via electronic mail; clarifying that all notices sent to comply with Texas Government Code, §2001.054, will be sent via certified or registered mail, removing the requirement that exceptions must be filed or an issue is waived; clarifying the erroneously issued certificate section to explicitly state that the cancellation of a certificate issued as the result of a Texas Education Agency (TEA) information technology error will not result in a contested case; and amending the SBEC's definition of abuse to mirror the definition of abuse found in Texas Family Code, Chapter 261, as well as additional technical edits.

REASONED JUSTIFICATION: The SBEC rules in 19 TAC Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, establish the sanction requirements and procedures for disciplinary actions against educators.

The SBEC engaged in discussions related to potential amendments during the April, July, and September 2024 SBEC meetings. At the April meeting, the SBEC had a preliminary discussion on potential amendments to Chapter 249. The recommen-

dations discussed were informed by challenges and areas for improvement identified by staff in the application of Chapter 249 or issues previously raised by the SBEC at prior meetings.

TEA staff brought these potential changes to the Educator Preparation Stakeholder Group on June 21, 2024, and held a stakeholder engagement meeting with the general public on July 9, 2024. TEA staff presented the feedback from these stakeholder engagement meetings to the SBEC at the July meeting. TEA staff presented the preliminary draft to stakeholders at a stakeholder engagement meeting on August 30, 2024, and presented the feedback from this stakeholder engagement meeting to the SBEC at the September meeting. TEA staff received feedback on the draft text presented at the September meeting, and the adopted amendments incorporate both SBEC input as well as input from stakeholders.

Subchapter A. General Provisions

§249.3. Definitions.

The adopted amendment to §249.3(1) aligns the definition of *Abuse* with the definition of *Abuse* in Texas Family Code, §261.001(1), as well as the commissioner of education's definition of *Abuse* in 19 TAC §153.1201(b), Definitions.

The adopted amendment to §249.3(29) updates the definition of *Mail* to include first-class United States mail and electronic mail and removes the phrase, "unless otherwise provided by this chapter."

The adopted amendment to §249.3(51) adds new subparagraph (K) to the definition of *Solicitation of a romantic relationship* to add grooming behaviors in the totality of the circumstances, specifically showing a student special attention; giving the student individual gifts, money, or privileges; isolating the student; exposing the student to adult topics or conversation and/or media that is not age appropriate; or meeting behind closed doors with the student without another adult present; as well as removes the word "may" and "prima facie" as related to what acts considered in context constitute evidence of solicitation. Subsequent subparagraphs were relettered.

Technical edits were made to §249.3(44) to correct a typographical error and to §249.3(52) to update a cross reference for clarity.

Subchapter B. Enforcement Actions and Guidelines

§249.11. Test Irregularities; Appeal, Sanctions.

The adopted amendment to §249.11(a) modifies the methods of service for written notice of alleged violations of certification test administration rules or procedures to allow for the notice to be sent via first-class United States mail or electronic notification only.

§249.12. Administrative Denial; Appeal.

The adopted amendment to §249.12(b) adds persons that are subject to placement on the Registry of Persons Not Eligible for Hire under TEC, §22.092, and conduct that demonstrates that a person violated 19 TAC Chapter 247, Educators' Code of Ethics, as reasons the TEA staff may administratively deny a certificate. Subsequent subparagraphs were relettered.

§249.13. Cancellation of an Erroneously Issued Certificate.

Adopted new §249.13(f) provides that this section does not apply to erroneously issued certificates as the result of a TEA systems error.

§249.14. Complaint, Required Reporting, and Investigation; Investigative Notice; Filing of Petition.

Adopted new §249.14(p) adds that before institution of agency proceedings, TEA staff shall send a letter via certified or registered mail to the certificate holder giving them notice of the facts or conduct alleged to warrant the intended action and an opportunity to show compliance with all requirements of law for the retention of the certificate. Subsequent subparagraphs were relettered.

§249.15. Disciplinary Action by State Board for Educator Certification.

The adopted amendment to §249.15(a)(5) adds that the SBEC may impose classes and treatment programs that the SBEC deems necessary as a condition or restriction on a certificate.

§249.17. Decision-Making Guidelines.

The adopted amendment to §249.17(d)(1) adds requirements that establish the good cause factors of serious illness or health condition of the educator or close family member of the educator, the educator must provide documentation from a licensed medical provider. It also adds the requirement to provide documentation to establish the good cause factor of relocation to a new city as a result of change in employer of the educator's spouse or partner as a requirement.

The adopted amendment to §249.17(d)(2) adds that a reduction of one month in suspension time be applied for each mitigating factor established.

At adoption, the phrase "except for factors in subparagraphs (G)-(I) of this paragraph" was added to §249.17(d)(2) to clarify which mitigating factors were not eligible for the one-month reduction in suspension time.

The adopted amendment to §249.17(e) adds that an educator who is required to complete pretrial diversion for a felony-level offense is subject to sanction.

The adopted amendment to §249.17(g) adds that an educator is subject to a one-year mandatory minimum sanction for intentional violations of the security or confidential integrity of a test required under TEC in a manner described by 19 TAC §101.3031(a)(3) and removes the mandatory minimum for manipulation of test results.

Adopted new §249.17(k) adds a mandatory minimum sanction of a one-year suspension for an educator who is court-ordered to complete a period of deferred adjudication, community supervision, or pretrial diversion for an offense under Texas Election Code, Chapter 255. The subsequent subsection was relettered.

Subchapter C. Prehearing Matters

§249.26. Petition.

The adopted amendment to §249.26(c) adds that TEA staff may serve a petition by electronic mail to the respondent as well as send a copy of the petition to the respondent's attorney if notice of representation has been provided by electronic mail. It removes the option for service of the petition on the respondent by United States certified mail, return receipt requested.

§249.27. Answer.

The adopted amendment to §249.27 allows a respondent to serve an answer on TEA by electronic mail and removes the requirement that a respondent serve an answer by United States certified mail, return receipt requested.

Subchapter E. Post-Hearing Matters

§249.37. Exceptions and Replies.

The adopted amendment to §249.37 removes the requirement that a disagreement with a factual finding or conclusion of law in the proposal for decision be contained in an exception to the proposal otherwise it is waived. Subsequent subparagraphs were relettered.

SUMMARY OF COMMENTS AND RESPONSES: The public comment period on the proposal began January 10, 2025, and ended February 10, 2025. The SBEC also provided an opportunity for registered oral and written comments on the proposal at the February 14, 2025 meeting's public comment period in accordance with the SBEC board operating policies and procedures. The following public comments were received on the proposal.

Comment: The Association of Texas Professional Educators commented with an appreciation of SBEC and TEA staff for continuing to engage stakeholders in the discussion regarding these proposed changes, but requested some revisions be made, including removing "shows the student special attention" and "meeting behind closed doors with the student without another adult present" from the proposed language that defines grooming behaviors. The commenter suggested the addition of language clarifying that such behaviors shall be considered evidence of solicitation only when they are engaged "without a legitimate educational purpose."

Response: The SBEC disagrees. The proposed grooming behaviors are under the definition of solicitation in 19 Texas Administrative Code (TAC) §249.3(51), which states that solicitation of a romantic relationship is "deliberate or repeated acts that can be reasonably interpreted as the solicitation by an educator of a relationship with a student that is romantic in nature." The definition further clarifies that the listed behavior must be considered in context. Therefore, the proposed factors are only evidence of solicitation when considered in context if they are deliberate or repeated acts that can be reasonably interpreted as the solicitation by an educator of a relationship with a student that is romantic in nature.

Comment: The Texas Classroom Teachers Association (TCTA) recommended that SBEC remove the language "meeting behind closed doors with the student without another adult present" from the grooming language defined in the proposed amendments, as teachers are often required to keep their doors closed and locked for safety. TCTA also suggested the word "may" be added to the language in 19 TAC §249.3(51) and supported the removal of the phrase "prima facie" from the provision. Additionally, TCTA raised concerns about the need for clarity regarding the "systems error" part of the proposed changes, the inability of mitigating factors to reduce contract abandonment to no sanction, and the inclusion of a mandatory one-year suspension for educators who undergo pre-trial diversion.

Response: The SBEC disagrees. The proposed grooming behaviors are under the definition of solicitation in 19 TAC §249.3(51), which states that solicitation of a romantic relationship is "deliberate or repeated acts that can be reasonably interpreted as the solicitation by an educator of a relationship with a student that is romantic in nature." The definition further clarifies that the listed behavior must be considered in context. Therefore, the proposed factors are only evidence of solicitation when considered in context if they are deliberate or repeated acts that can be reasonably interpreted as the solicitation by

an educator of a relationship with a student that is romantic in nature.

In regard to the proposed language for the contract abandonment mitigating factors, 19 TAC §249.17(d)(3)(c) states that the mitigating factors "may mitigate an educator's sanction so significantly that the SBEC takes no disciplinary action." The SBEC has the authority under §249.17(d)(3)(c) to use the mitigating factors to mitigate the contract abandonment sanction down to no sanction.

Further, the plain language of the proposed text in §249.13(f) is clear that the proposed language only applies when a certificate is mistakenly or incorrectly issued as the result of a TEA systems error.

Lastly, the addition of pretrial diversion to the felony conduct minimum sanction is already contained in other sections of SBEC rule and is identical to the language in the mandatory minimum sanction for misdemeanor conduct in 19 TAC §249.17(f).

The State Board of Education (SBOE) took no action on the review of the amendments to §§249.3, 249.11, 249.12, 249.13, 249.14, 249.15, 249.17, 249.26, 249.27, and 249.37 at the April 11, 2025 SBOE meeting.

SUBCHAPTER A. GENERAL PROVISIONS

19 TAC §249.3

STATUTORY AUTHORITY. The amendment is adopted under Texas Education Code (TEC), §§21.006(a)-(c-2), (f)-(g-1), and (i), which require the superintendent or director of a school district, district of innovation, open-enrollment charter school, other charter entity, regional education service center or shared services arrangement to report to the SBEC within seven business days of when the superintendent knew or received a report from a principal that an educator has resigned or is terminated and there is evidence that the educator has engaged in certain misconduct, unless the superintendent or director completes an investigation before the educator resigns or is terminated and determines that the educator did not commit the alleged misconduct. It also requires principals to report to superintendents within seven business days of when the superintendent knew or received a report from a principal that an educator has resigned or is terminated and there is evidence that the educator has engaged in certain misconduct. It further authorizes the SBEC to impose sanctions on educators who fail to report as required by the statute, including authority to impose monetary administrative penalties, gives SBEC rulemaking authority as necessary to implement the statute, and requires the SBEC to create an internet portal to facilitate confidential and secure reporting; TEC, §21.0062, which requires the chief administrative officer of a private school to notify the SBEC within seven days when a private school educator resigns before the completion of an investigation or is terminated and there is evidence that the educator has engaged in certain misconduct and gives the SBEC rulemaking authority to implement the section; TEC, §21.007, which gives the SBEC authority to place a notice that an educator is under investigation for alleged misconduct on the educator's public certification records, requires the SBEC give the educator notice and an opportunity to show cause, requires that the SBEC limit the amount of time the notice can appear on the educator's certification, and gives the SBEC rulemaking authority as necessary to implement the provision; TEC, §21.009(e), which states that the SBEC may revoke the certificate of an administrator if the board determines it is reasonable to believe that the administrator employed an applicant

despite being aware that the applicant had been adjudicated for or convicted of having an inappropriate relationship with a student or minor; TEC, §21.031(a), which charges the SBEC with regulating and overseeing all aspects of the certification, continuing education, and standards of conduct for public school educators; TEC, §21.035, which states that TEA staff provides administrative functions and services for SBEC and gives SBEC the authority to delegate to either the commissioner of education or to TEA staff the authority to settle or otherwise informally dispose of contested cases involving educator certification; TEC, §21.041(a) and (b)(1), (4), (7), and (8), which authorize the SBEC to adopt rules as necessary for its own procedures, to regulate educators, specify the requirements for issuance or renewal of an educator certificate, provide for educator disciplinary proceedings and for enforcement of the educator's code of ethics; TEC, §21.044(a), which authorizes the SBEC to adopt rules establishing training requirements and academic qualifications required for a person to obtain an educator certificate; TEC, §21.058, which requires the SBEC to revoke the certification of an educator convicted or placed on deferred adjudication community supervision for certain offenses; TEC, §21.0581, which authorizes SBEC to take action against a person who assists another person obtain employment at a school despite knowing the other person engaged in sexual misconduct with a minor or student; TEC, §21.060, which sets out crimes that relate to the education profession and authorizes the SBEC to sanction or refuse to issue a certificate to any person who has been convicted of one of these offenses; TEC, §21.065, which sets requirements for the notice SBEC must send when it suspends an educator's certificate; TEC, §21.105(c), which allows the SBEC to impose sanctions against an educator who abandons a probationary contract; TEC, §21.160(c), which allows the SBEC to impose sanctions against an educator who abandons a continuing contract; TEC, §21.210(c), which allows the SBEC to impose sanctions against an educator who abandons a term contract; TEC, §22.082, which requires the SBEC to subscribe to the criminal history clearinghouse and allows the SBEC to obtain any criminal history from any closed case file; TEC, §22.0831, which requires the SBEC to review the criminal history of certified educators and applicants for certification; TEC, §22.085, which requires school districts, charter schools, and shared services arrangements to conduct fingerprint criminal background checks on employees and refuse to hire those that have certain criminal history; TEC, §22.087, which requires superintendents and directors of school districts, charter schools, private schools, regional education service centers, and shared services arrangements to notify the SBEC if an applicant for a certification has criminal history that is not in the criminal history clearinghouse; TEC, §22.092, which requires school districts, charter schools, districts of innovation, regional education service centers, and shared services arrangements to discharge or refuse to hire any person listed on the registry of persons not eligible for employment in Texas public schools; TEC, §22.093, requires superintendents or directors of school districts, districts of innovation, charter schools, regional education service centers, or shared services arrangements to notify the commissioner of education if an employee resigned or was terminated and there is evidence that the employee abused or otherwise committed an unlawful act with a student or minor or was involved in a romantic relationship with a student or minor; Texas Government Code (TGC), §411.090, which allows the SBEC to get from the Texas Department of Public Safety all criminal history record information about any applicant for licensure as an educator; TGC, §2001.054(c), which requires the

SBEC to give notice by personal service or by registered or certified mail to the license holder of the factors or conduct alleged to warrant suspension, revocation, annulment, or withdrawal of an educator's certificate and to give the certified educator an opportunity to show that the educator is in compliance with the relevant statutes and rules; TGC, §2001.058(e), which sets out the requirements for when the SBEC can make changes to a proposal for decision from an administrative law judge; TGC, §2001.142(a), which requires all Texas state licensing agencies to notify parties to contested cases of orders or decisions of the agency by personal service, electronic means if the parties have agreed to it, first class, certified or registered mail, or by any method required under the agency's rules for a party to serve copies of pleadings in a contested case; Texas Family Code (TFC), §261.308(d) and (e), which require the Texas Department of Family and Protective Services to release information regarding a person alleged to have committed abuse or neglect to the SBEC; TFC, §261.406(a) and (b), which require the Texas Department of Family and Protective Services to send a copy of a completed investigation report involving allegations of abuse or neglect of a child in a public or private school to the TEA; Texas Occupations Code (TOC), §53.021(a), which allows the SBEC to suspend or revoke an educator's certificate or refuse to issue a certificate, if a person is convicted of certain offenses; TOC, §53.022, which sets out factors for the SBEC to determine whether a particular criminal offense relates to the occupation of education; TOC, §53.023, which sets out additional factors for the SBEC to consider when deciding whether to allow a person convicted of a crime to serve as an educator; TOC, §53.0231, which sets out information the SBEC must give an applicant when it denies a license and requires that the SBEC allow 30 days for the applicant to submit any relevant information to the SBEC; TOC, §53.0232, which precludes SBEC from considering arrests that did not result in convictions or placement on deferred adjudication community supervision in the determination of fitness to be licensed as an educator; TOC, §53.024, which states that proceedings to deny or sanction an educator's certification are covered by the Texas Administrative Procedure Act, Texas Government Code, Chapter 2001; TOC, §53.025, which gives the SBEC rulemaking authority to issue guidelines to define which crimes relate to the profession of education; TOC, §53.051, which requires that the SBEC notify a license holder or applicant after denying, suspending, or revoking the certification; TOC, §53.052, which allows a person who has been denied an educator certification or had their educator certification revoked or suspended to file a petition for review in state district court after exhausting all administrative remedies; TOC, §56.003, which prohibits state agencies from taking disciplinary action against licensees for student loan non-payment or default; and the Every Student Succeeds Act (ESSA), 20 United States Code (U.S.C.) §7926, which requires state educational agencies to make rules forbidding educators from aiding other school employees, contractors, or agents in getting jobs when the educator knows the jobseeker has committed sexual misconduct with a student or minor in violation of the law.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code (TEC), §§21.006(a), (b), (b-1), (b-2), (c), (c-1), (c-2), (f), (g), (g-1), and (i); 21.0062; 21.007; 21.009(e); 21.031(a); 21.035; 21.041(a) and (b)(1), (4), (7), and (8); 21.044(a), 21.058; 21.0581; 21.060; 21.065; 21.105(c); 21.160(c); 21.210(c); 22.082; 22.0831; 22.085; 22.087; 22.092; and 22.093; Texas Government Code (TGC), §§411.090, 2001.054(c), 2001.058(e), and 2001.142(a); Texas Family

Code (TFC), §261.308(d) and (e) and §261.406(a) and (b); Texas Occupations Code (TOC), §§53.021(a), 53.022-53.025, 53.051, 53.052 and 56.003; and the Every Student Succeeds Act (ESSA), 20 United States Code (U.S.C.) §7926.

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 April 28, 2025.

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Cristina De La Fuente-Valadez

Director, Rulemaking

State Board for Educator Certification

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



SUBCHAPTER B. ENFORCEMENT ACTIONS AND GUIDELINES

19 TAC §§249.11 - 249.15, 249.17

STATUTORY AUTHORITY. The amendments are adopted under Texas Education Code (TEC), §§21.006(a)-(c-2), (f)-(g-1), and (i), which require the superintendent or director of a school district, district of innovation, open-enrollment charter school, other charter entity, regional education service center or shared services arrangement to report to the SBEC within seven business days of when the superintendent knew or received a report from a principal that an educator has resigned or is terminated and there is evidence that the educator has engaged in certain misconduct, unless the superintendent or director completes an investigation before the educator resigns or is terminated and determines that the educator did not commit the alleged misconduct. It also requires principals to report to superintendents within seven business days of when the superintendent knew or received a report from a principal that an educator has resigned or is terminated and there is evidence that the educator has engaged in certain misconduct. It further authorizes the SBEC to impose sanctions on educators who fail to report as required by the statute, including authority to impose monetary administrative penalties, gives SBEC rulemaking authority as necessary to implement the statute, and requires the SBEC to create an internet portal to facilitate confidential and secure reporting; TEC, §21.0062, which requires the chief administrative officer of a private school to notify the SBEC within seven days when a private school educator resigns before the completion of an investigation or is terminated and there is evidence that the educator has engaged in certain misconduct and gives the SBEC rulemaking authority to implement the section; TEC, §21.007, which gives the SBEC authority to place a notice that an educator is under investigation for alleged misconduct on the educator's public certification records, requires the SBEC give the educator notice and an opportunity to show cause, requires that the SBEC limit the amount of time the notice can appear on the educator's certification, and gives the SBEC rulemaking authority as necessary to implement the provision; TEC, §21.009(e), which states that the SBEC may revoke the certificate of an administrator if the board determines it is reasonable to believe that the administrator employed an applicant despite being aware that the applicant had been adjudicated for or convicted of having an inappropriate relationship with a student or minor; TEC, §21.031(a), which

charges the SBEC with regulating and overseeing all aspects of the certification, continuing education, and standards of conduct for public school educators; TEC, §21.035, which states that TEA staff provides administrative functions and services for SBEC and gives SBEC the authority to delegate to either the commissioner of education or to TEA staff the authority to settle or otherwise informally dispose of contested cases involving educator certification; TEC, §21.041(a) and (b)(1), (4), (7), and (8), which authorize the SBEC to adopt rules as necessary for its own procedures, to regulate educators, specify the requirements for issuance or renewal of an educator certificate, provide for educator disciplinary proceedings and for enforcement of the educator's code of ethics; TEC, §21.044(a), which authorizes the SBEC to adopt rules establishing training requirements and academic qualifications required for a person to obtain an educator certificate; TEC, §21.058, which requires the SBEC to revoke the certification of an educator convicted or placed on deferred adjudication community supervision for certain offenses; TEC, §21.0581, which authorizes SBEC to take action against a person who assists another person obtain employment at a school despite knowing the other person engaged in sexual misconduct with a minor or student; TEC, §21.060, which sets out crimes that relate to the education profession and authorizes the SBEC to sanction or refuse to issue a certificate to any person who has been convicted of one of these offenses; TEC, §21.065, which sets requirements for the notice SBEC must send when it suspends an educator's certificate; TEC, §21.105(c), which allows the SBEC to impose sanctions against an educator who abandons a probationary contract; TEC, §21.160(c), which allows the SBEC to impose sanctions against an educator who abandons a continuing contract; TEC, §21.210(c), which allows the SBEC to impose sanctions against an educator who abandons a term contract; TEC, §22.082, which requires the SBEC to subscribe to the criminal history clearinghouse and allows the SBEC to obtain any criminal history from any closed case file; TEC, §22.0831, which requires the SBEC to review the criminal history of certified educators and applicants for certification; TEC, §22.085, which requires school districts, charter schools, and shared services arrangements to conduct fingerprint criminal background checks on employees and refuse to hire those that have certain criminal history; TEC, §22.087, which requires superintendents and directors of school districts, charter schools, private schools, regional education service centers, and shared services arrangements to notify the SBEC if an applicant for a certification has criminal history that is not in the criminal history clearinghouse; TEC, §22.092, which requires school districts, charter schools, districts of innovation, regional education service centers, and shared services arrangements to discharge or refuse to hire any person listed on the registry of persons not eligible for employment in Texas public schools; TEC, §22.093, requires superintendents or directors of school districts, districts of innovation, charter schools, regional education service centers, or shared services arrangements to notify the commissioner of education if an employee resigned or was terminated and there is evidence that the employee abused or otherwise committed an unlawful act with a student or minor or was involved in a romantic relationship with a student or minor; Texas Government Code (TGC), §411.090, which allows the SBEC to get from the Texas Department of Public Safety all criminal history record information about any applicant for licensure as an educator; TGC, §2001.054(c), which requires the SBEC to give notice by personal service or by registered or certified mail to the license holder of the factors or conduct alleged to warrant suspension, revocation, annulment, or withdrawal of an educator's certificate and to give the certified

educator an opportunity to show that the educator is in compliance with the relevant statutes and rules; TGC, §2001.058(e), which sets out the requirements for when the SBEC can make changes to a proposal for decision from an administrative law judge; TGC, §2001.142(a), which requires all Texas state licensing agencies to notify parties to contested cases of orders or decisions of the agency by personal service, electronic means if the parties have agreed to it, first class, certified or registered mail, or by any method required under the agency's rules for a party to serve copies of pleadings in a contested case; Texas Family Code (TFC), §261.308(d) and (e), which require the Texas Department of Family and Protective Services to release information regarding a person alleged to have committed abuse or neglect to the SBEC; TFC, §261.406(a) and (b), which require the Texas Department of Family and Protective Services to send a copy of a completed investigation report involving allegations of abuse or neglect of a child in a public or private school to the TEA; Texas Occupations Code (TOC), §53.021(a), which allows the SBEC to suspend or revoke an educator's certificate or refuse to issue a certificate, if a person is convicted of certain offenses; TOC, §53.022, which sets out factors for the SBEC to determine whether a particular criminal offense relates to the occupation of education; TOC, §53.023, which sets out additional factors for the SBEC to consider when deciding whether to allow a person convicted of a crime to serve as an educator; TOC, §53.0231, which sets out information the SBEC must give an applicant when it denies a license and requires that the SBEC allow 30 days for the applicant to submit any relevant information to the SBEC; TOC, §53.0232, which precludes SBEC from considering arrests that did not result in convictions or placement on deferred adjudication community supervision in the determination of fitness to be licensed as an educator; TOC, §53.024, which states that proceedings to deny or sanction an educator's certification are covered by the Texas Administrative Procedure Act, Texas Government Code, Chapter 2001; TOC, §53.025, which gives the SBEC rulemaking authority to issue guidelines to define which crimes relate to the profession of education; TOC, §53.051, which requires that the SBEC notify a license holder or applicant after denying, suspending, or revoking the certification; TOC, §53.052, which allows a person who has been denied an educator certification or had their educator certification revoked or suspended to file a petition for review in state district court after exhausting all administrative remedies; TOC, §56.003, which prohibits state agencies from taking disciplinary action against licensees for student loan non-payment or default; and the Every Student Succeeds Act (ESSA), 20 United States Code (U.S.C.) §7926, which requires state educational agencies to make rules forbidding educators from aiding other school employees, contractors, or agents in getting jobs when the educator knows the jobseeker has committed sexual misconduct with a student or minor in violation of the law.

CROSS REFERENCE TO STATUTE. The amendments implement Texas Education Code (TEC), §§21.006(a), (b), (b-1), (b-2), (c), (c-1), (c-2), (f), (g), (g-1), and (i); 21.0062; 21.007; 21.009(e); 21.031(a); 21.035; 21.041(a) and (b)(1), (4), (7), and (8); 21.044(a), 21.058; 21.0581; 21.060; 21.065; 21.105(c); 21.160(c); 21.210(c); 22.082; 22.0831; 22.085; 22.087; 22.092; and 22.093; Texas Government Code (TGC), §§411.090, 2001.054(c), 2001.058(e), and 2001.142(a); Texas Family Code (TFC), §261.308(d) and (e) and §261.406(a) and (b); Texas Occupations Code (TOC), §§53.021(a), 53.022-53.025, 53.051, 53.052 and 56.003; and the Every Student Succeeds Act (ESSA), 20 United States Code (U.S.C.) §7926.

§249.17. Decision-Making Guidelines.

(a) Purpose. The purpose of these guidelines is to achieve the following objectives:

(1) to provide a framework of analysis for the Texas Education Agency (TEA) staff, the presiding administrative law judge (ALJ), and the State Board for Educator Certification (SBEC) in considering matters under this chapter;

(2) to promote consistency in the exercise of sound discretion by the TEA staff, the presiding ALJ, and the SBEC in seeking, proposing, and making decisions under this chapter; and

(3) to provide guidance for the informal resolution of potentially contested matters.

(b) Construction and application. This section shall be construed and applied so as to preserve SBEC members' discretion in making final decisions under this chapter. This section shall be further construed and applied so as to be consistent with §249.5(b) of this title (relating to Purpose; Policy Governing Disciplinary Proceedings) and this chapter, the Texas Education Code (TEC), and other applicable law, including SBEC decisions and orders.

(c) Consideration. The following factors may be considered in seeking, proposing, or making a decision under this chapter:

- (1) the seriousness of the violation;
- (2) whether the misconduct was premeditated or intentional;
- (3) attempted concealment of misconduct;
- (4) prior misconduct and SBEC sanctions;
- (5) the potential danger the conduct poses to the health and welfare of students;
- (6) the effect of the prior conduct upon any victims of the conduct;
- (7) whether sufficient time has passed and sufficient evidence is presented to demonstrate that the educator or applicant has been rehabilitated from the prior conduct;
- (8) the effect of the conduct upon the educator's good moral character and ability to be a proper role model for students;
- (9) whether the sanction will deter future violations; and
- (10) any other relevant circumstances or facts.

(d) Contract abandonment.

(1) Good cause. The following factors may be considered good cause when an educator is reported to have abandoned a contract in violation of the TEC, §§21.105(c), 21.160(c), or 21.210(c):

(A) serious illness or health condition of the educator or close family member of the educator, as evidenced by documentation from a licensed medical provider;

(B) relocation to a new city as a result of change in employment of the educator's spouse or partner who resides with the educator as supported by documentation;

(C) significant change in the educator's family needs that requires the educator to relocate or to devote more time than allowed by current employment; or

(D) the educator's reasonable belief that the educator had written permission from the school district administration to resign.

(2) Mitigating factors. The following factors shall be considered in seeking, proposing, or making a decision under this chapter regarding an educator who has abandoned a contract in violation of the TEC, §§21.105(c), 21.160(c), or 21.210(c). A reduction of one month in suspension time will be given for each factor established, except for factors in subparagraphs (G)-(I) of this paragraph. The educator:

(A) gave written notice to the school district 30 days or more in advance of the first day of instruction for which the educator will not be present;

(B) assisted the school district in finding a replacement educator to fill the position;

(C) continued to work until the school district hired a replacement educator;

(D) assisted in training the replacement educator;

(E) showed good faith in communications and negotiations with the school district;

(F) provided lesson plans for classes following the educator's resignation;

(G) changed careers within the field of education:

(i) to a position that required a different class of educator certification as defined in §230.33(b) of this title (relating to Classes of Certificates);

(ii) to a position with a higher level of authority within the principal class of certificate; or

(iii) to a position in an open-enrollment charter school or a district of innovation that is equivalent to the positions described in clauses (i) and (ii) of this subparagraph;

(H) had a reduction in base pay, excluding stipends, as compared to the educator's base pay for the prior year at the same school district;

(I) resigned due to working conditions that reasonably posed an immediate threat of significant physical harm to the educator; or

(J) any other relevant circumstances or facts.

(3) Mandatory sanction for contract abandonment.

(A) An educator subject to sanction, who has abandoned a contract 44-30 days prior to the first day of instruction for the following school year in violation of the TEC, §§21.105(c), 21.160(c), or 21.210(c), in a case where the factors listed in subsection (c) of this section or in paragraph (1) or (2)(B)-(J) of this subsection do not mitigate or apply, shall receive a sanction of an inscribed reprimand.

(B) An educator subject to sanction, who has abandoned a contract less than 30 days prior to the first day of instruction for the following school year or at any point during the school year in violation of the TEC, §§21.105(c), 21.160(c), or 21.210(c), in a case where the factors listed in subsection (c) of this section or in paragraph (1) or (2) of this subsection do not mitigate or apply, may not receive a sanction of less than:

(i) suspension for one year from the first day that, without district permission, the educator failed to appear for work under the contract, provided that the educator has not worked as an educator during that year and the case is resolved within that one year through an agreed final order; or

(ii) suspension for one year from either the effective date of an agreed final order resolving the case or an agreed future

date at the beginning of the following school year, if the educator has worked as an educator after abandoning the contract; or

(iii) suspension for one year from the date that the SBEC adopts an order that becomes final following a default under §249.35 of this title (relating to Disposition Prior to Hearing; Default) or a contested case hearing at the State Office of Administrative Hearings (SOAH).

(C) The factors listed in subsection (c) of this section and in paragraphs (1) and (2) of this subsection may mitigate an educator's sanction so significantly that the SBEC takes no disciplinary action.

(e) Mandatory minimum sanction for felony-level conduct. An educator subject to sanction, who is court-ordered to complete a period of deferred adjudication, community supervision, or pretrial diversion for a felony-level criminal offense under state or federal law, may not receive a sanction of less than:

(1) suspension for a period concurrent with the term of deferred adjudication or community supervision, if the case is resolved through an agreed final order prior to the educator completing deferred adjudication or community supervision and the educator has not been employed as an educator during the period of deferred adjudication or community supervision; or

(2) suspension beginning on the effective date of an agreed final order for a period extending beyond the end of the educator's deferred adjudication or community supervision but may be less than the initial court-ordered term of deferred adjudication or community supervision, if the case is resolved through an agreed final order prior to the educator completing deferred adjudication or community supervision and the educator has been employed as an educator during the period of deferred adjudication or community supervision; or

(3) suspension beginning on the effective date of an agreed final order for a period at least half as long as the initial court-ordered term of deferred adjudication or community supervision, if the case is resolved through an agreed final order after the educator has completed deferred adjudication or community supervision; or

(4) suspension for a period equal to the term of deferred adjudication or community supervision that the criminal court initially ordered but beginning from the date of the final board decision, if the case is resolved through a final board decision following a contested case hearing at the SOAH or a default under §249.35 of this title.

(f) Mandatory minimum sanction for misdemeanor-level conduct. If an educator is subject to sanction, and a court has ordered the educator to complete a period of deferred adjudication, community supervision, or pretrial diversion for a misdemeanor-level criminal offense under state or federal law, the educator may not receive a sanction of less than an inscribed reprimand.

(g) Mandatory minimum sanction for test security violation. An educator who intentionally, as defined in §247.1 of this title (relating to Purpose and Scope; Definitions), violates the security or confidential integrity of any test required by the TEC, Chapter 39, Subchapter B, in a manner described by §101.3031(a)(3) of Part 2 of this title (relating to Required Test Administration Procedures and Training Activities to Ensure Validity, Reliability, and Security of Assessments), may not receive a sanction of less than a one year suspension.

(h) Mandatory minimum sanction for drugs and alcohol on school campus. An educator who is subject to sanction because the educator has tested positive for drugs or alcohol while on school campus, was under the influence of drugs or alcohol on school campus, or was in possession of drugs or alcohol on school campus may not receive a

sanction of less than a one-year suspension and required completion of a drug or alcohol treatment program.

(i) Mandatory permanent revocation or denial. Notwithstanding subsection (c) of this section, the SBEC shall permanently revoke the teaching certificate of any educator or permanently deny the application of any applicant if, after a contested case hearing or a default under §249.35 of this title, it is determined that the educator or applicant:

(1) engaged in any sexual contact or romantic relationship with a student or minor;

(2) solicited any sexual contact or romantic relationship with a student or minor;

(3) possessed or distributed child pornography;

(4) was registered as a sex offender;

(5) committed criminal homicide;

(6) transferred, sold, distributed, or conspired to possess, transfer, sell, or distribute any controlled substance, the possession of which would be at least a Class A misdemeanor under the Texas Health and Safety Code, Chapter 481, on school property;

(7) intentionally, knowingly, or recklessly causes bodily injury to a student or minor when the conduct of the educator or applicant is not immune from disciplinary proceedings by TEC, §22.0512; or

(8) committed any offense described in the TEC, §21.058.

(j) Mandatory minimum for failure to report. An educator subject to sanction, who fails to report educator misconduct under the circumstances and in the manner required by the TEC, §21.006, and §249.14(d)-(f) of this title (relating to Complaint, Required Reporting, and Investigation; Investigative Notice; Filing of Petition), when the case is resolved through an agreed final order, may not receive a sanction of less than:

(1) an inscribed reprimand and a \$5,000 administrative penalty for a superintendent or director who fails to file timely a report to the SBEC; or

(2) an inscribed reprimand and a \$500 administrative penalty for a principal who fails to timely notify a superintendent or director.

(k) Mandatory minimum for electioneering. An educator subject to sanction, who is court-ordered to complete a period of deferred adjudication, community supervision, or pretrial diversion for an offense under Texas Election Code, Chapter 255, may not receive a sanction of less than a one-year suspension.

(l) Sanctioned misconduct in another state. The findings of fact contained in final orders from any other state jurisdiction may provide the factual basis for SBEC disciplinary action. If the underlying conduct for the administrative sanction of an educator's certificate or license issued in another state is a violation of SBEC rules, the SBEC may initiate a disciplinary action regarding the educator's Texas educator certificate and impose a sanction as provided under this chapter.

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

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Cristina De La Fuente-Valadez

Director, Rulemaking

State Board for Educator Certification

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



SUBCHAPTER C. PREHEARING MATTERS

19 TAC §249.26, §249.27

STATUTORY AUTHORITY. The amendments are adopted under Texas Education Code (TEC), §§21.006(a)-(c-2), (f)-(g-1), and (i), which require the superintendent or director of a school district, district of innovation, open-enrollment charter school, other charter entity, regional education service center or shared services arrangement to report to the SBEC within seven business days of when the superintendent knew or received a report from a principal that an educator has resigned or is terminated and there is evidence that the educator has engaged in certain misconduct, unless the superintendent or director completes an investigation before the educator resigns or is terminated and determines that the educator did not commit the alleged misconduct. It also requires principals to report to superintendents within seven business days of when the superintendent knew or received a report from a principal that an educator has resigned or is terminated and there is evidence that the educator has engaged in certain misconduct. It further authorizes the SBEC to impose sanctions on educators who fail to report as required by the statute, including authority to impose monetary administrative penalties, gives SBEC rulemaking authority as necessary to implement the statute, and requires the SBEC to create an internet portal to facilitate confidential and secure reporting; TEC, §21.0062, which requires the chief administrative officer of a private school to notify the SBEC within seven days when a private school educator resigns before the completion of an investigation or is terminated and there is evidence that the educator has engaged in certain misconduct and gives the SBEC rulemaking authority to implement the section; TEC, §21.007, which gives the SBEC authority to place a notice that an educator is under investigation for alleged misconduct on the educator's public certification records, requires the SBEC give the educator notice and an opportunity to show cause, requires that the SBEC limit the amount of time the notice can appear on the educator's certification, and gives the SBEC rulemaking authority as necessary to implement the provision; TEC, §21.009(e), which states that the SBEC may revoke the certificate of an administrator if the board determines it is reasonable to believe that the administrator employed an applicant despite being aware that the applicant had been adjudicated for or convicted of having an inappropriate relationship with a student or minor; TEC, §21.031(a), which charges the SBEC with regulating and overseeing all aspects of the certification, continuing education, and standards of conduct for public school educators; TEC, §21.035, which states that TEA staff provides administrative functions and services for SBEC and gives SBEC the authority to delegate to either the commissioner of education or to TEA staff the authority to settle or otherwise informally dispose of contested cases involving educator certification; TEC, §21.041(a) and (b)(1), (4), (7), and (8), which authorize the SBEC to adopt rules as necessary for its own procedures, to regulate educators, specify the requirements for issuance or renewal of an educator certificate, provide for educator disciplinary proceedings and for enforcement of the

educator's code of ethics; TEC, §21.044(a), which authorizes the SBEC to adopt rules establishing training requirements and academic qualifications required for a person to obtain an educator certificate; TEC, §21.058, which requires the SBEC to revoke the certification of an educator convicted or placed on deferred adjudication community supervision for certain offenses; TEC, §21.0581, which authorizes SBEC to take action against a person who assists another person obtain employment at a school despite knowing the other person engaged in sexual misconduct with a minor or student; TEC, §21.060, which sets out crimes that relate to the education profession and authorizes the SBEC to sanction or refuse to issue a certificate to any person who has been convicted of one of these offenses; TEC, §21.065, which sets requirements for the notice SBEC must send when it suspends an educator's certificate; TEC, §21.105(c), which allows the SBEC to impose sanctions against an educator who abandons a probationary contract; TEC, §21.160(c), which allows the SBEC to impose sanctions against an educator who abandons a continuing contract; TEC, §21.210(c), which allows the SBEC to impose sanctions against an educator who abandons a term contract; TEC, §22.082, which requires the SBEC to subscribe to the criminal history clearinghouse and allows the SBEC to obtain any criminal history from any closed case file; TEC, §22.0831, which requires the SBEC to review the criminal history of certified educators and applicants for certification; TEC, §22.085, which requires school districts, charter schools, and shared services arrangements to conduct fingerprint criminal background checks on employees and refuse to hire those that have certain criminal history; TEC, §22.087, which requires superintendents and directors of school districts, charter schools, private schools, regional education service centers, and shared services arrangements to notify the SBEC if an applicant for a certification has criminal history that is not in the criminal history clearinghouse; TEC, §22.092, which requires school districts, charter schools, districts of innovation, regional education service centers, and shared services arrangements to discharge or refuse to hire any person listed on the registry of persons not eligible for employment in Texas public schools; TEC, §22.093, requires superintendents or directors of school districts, districts of innovation, charter schools, regional education service centers, or shared services arrangements to notify the commissioner of education if an employee resigned or was terminated and there is evidence that the employee abused or otherwise committed an unlawful act with a student or minor or was involved in a romantic relationship with a student or minor; Texas Government Code (TGC), §411.090, which allows the SBEC to get from the Texas Department of Public Safety all criminal history record information about any applicant for licensure as an educator; TGC, §2001.054(c), which requires the SBEC to give notice by personal service or by registered or certified mail to the license holder of the factors or conduct alleged to warrant suspension, revocation, annulment, or withdrawal of an educator's certificate and to give the certified educator an opportunity to show that the educator is in compliance with the relevant statutes and rules; TGC, §2001.058(e), which sets out the requirements for when the SBEC can make changes to a proposal for decision from an administrative law judge; TGC, §2001.142(a), which requires all Texas state licensing agencies to notify parties to contested cases of orders or decisions of the agency by personal service, electronic means if the parties have agreed to it, first class, certified or registered mail, or by any method required under the agency's rules for a party to serve copies of pleadings in a contested case; Texas Family Code (TFC), §261.308(d) and (e), which require the Texas

Department of Family and Protective Services to release information regarding a person alleged to have committed abuse or neglect to the SBEC; TFC, §261.406(a) and (b), which require the Texas Department of Family and Protective Services to send a copy of a completed investigation report involving allegations of abuse or neglect of a child in a public or private school to the TEA; Texas Occupations Code (TOC), §53.021(a), which allows the SBEC to suspend or revoke an educator's certificate or refuse to issue a certificate, if a person is convicted of certain offenses; TOC, §53.022, which sets out factors for the SBEC to determine whether a particular criminal offense relates to the occupation of education; TOC, §53.023, which sets out additional factors for the SBEC to consider when deciding whether to allow a person convicted of a crime to serve as an educator; TOC, §53.0231, which sets out information the SBEC must give an applicant when it denies a license and requires that the SBEC allow 30 days for the applicant to submit any relevant information to the SBEC; TOC, §53.0232, which precludes SBEC from considering arrests that did not result in convictions or placement on deferred adjudication community supervision in the determination of fitness to be licensed as an educator; TOC, §53.024, which states that proceedings to deny or sanction an educator's certification are covered by the Texas Administrative Procedure Act, Texas Government Code, Chapter 2001; TOC, §53.025, which gives the SBEC rulemaking authority to issue guidelines to define which crimes relate to the profession of education; TOC, §53.051, which requires that the SBEC notify a license holder or applicant after denying, suspending, or revoking the certification; TOC, §53.052, which allows a person who has been denied an educator certification or had their educator certification revoked or suspended to file a petition for review in state district court after exhausting all administrative remedies; TOC, §56.003, which prohibits state agencies from taking disciplinary action against licensees for student loan non-payment or default; and the Every Student Succeeds Act (ESSA), 20 United States Code (U.S.C.) §7926, which requires state educational agencies to make rules forbidding educators from aiding other school employees, contractors, or agents in getting jobs when the educator knows the jobseeker has committed sexual misconduct with a student or minor in violation of the law.

CROSS REFERENCE TO STATUTE. The amendments implement Texas Education Code (TEC), §§21.006(a), (b), (b-1), (b-2), (c), (c-1), (c-2), (f), (g), (g-1), and (i); 21.0062; 21.007; 21.009(e); 21.031(a); 21.035; 21.041(a) and (b)(1), (4), (7), and (8); 21.044(a), 21.058; 21.0581; 21.060; 21.065; 21.105(c); 21.160(c); 21.210(c); 22.082; 22.0831; 22.085; 22.087; 22.092; and 22.093; Texas Government Code (TGC), §§411.090, 2001.054(c), 2001.058(e), and 2001.142(a); Texas Family Code (TFC), §261.308(d) and (e) and §261.406(a) and (b); Texas Occupations Code (TOC), §§53.021(a), 53.022-53.025, 53.051, 53.052 and 56.003; and the Every Student Succeeds Act (ESSA), 20 United States Code (U.S.C.) §7926.

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 April 28, 2025.

TRD-202501396



SUBCHAPTER E. POST-HEARING MATTERS

19 TAC §249.37

STATUTORY AUTHORITY. The amendment is adopted under Texas Education Code (TEC), §§21.006(a)-(c-2), (f)-(g-1), and (i), which require the superintendent or director of a school district, district of innovation, open-enrollment charter school, other charter entity, regional education service center or shared services arrangement to report to the SBEC within seven business days of when the superintendent knew or received a report from a principal that an educator has resigned or is terminated and there is evidence that the educator has engaged in certain misconduct, unless the superintendent or director completes an investigation before the educator resigns or is terminated and determines that the educator did not commit the alleged misconduct. It also requires principals to report to superintendents within seven business days of when the superintendent knew or received a report from a principal that an educator has resigned or is terminated and there is evidence that the educator has engaged in certain misconduct. It further authorizes the SBEC to impose sanctions on educators who fail to report as required by the statute, including authority to impose monetary administrative penalties, gives SBEC rulemaking authority as necessary to implement the statute, and requires the SBEC to create an internet portal to facilitate confidential and secure reporting; TEC, §21.0062, which requires the chief administrative officer of a private school to notify the SBEC within seven days when a private school educator resigns before the completion of an investigation or is terminated and there is evidence that the educator has engaged in certain misconduct and gives the SBEC rulemaking authority to implement the section; TEC, §21.007, which gives the SBEC authority to place a notice that an educator is under investigation for alleged misconduct on the educator's public certification records, requires the SBEC give the educator notice and an opportunity to show cause, requires that the SBEC limit the amount of time the notice can appear on the educator's certification, and gives the SBEC rulemaking authority as necessary to implement the provision; TEC, §21.009(e), which states that the SBEC may revoke the certificate of an administrator if the board determines it is reasonable to believe that the administrator employed an applicant despite being aware that the applicant had been adjudicated for or convicted of having an inappropriate relationship with a student or minor; TEC, §21.031(a), which charges the SBEC with regulating and overseeing all aspects of the certification, continuing education, and standards of conduct for public school educators; TEC, §21.035, which states that TEA staff provides administrative functions and services for SBEC and gives SBEC the authority to delegate to either the commissioner of education or to TEA staff the authority to settle or otherwise informally dispose of contested cases involving educator certification; TEC, §21.041(a) and (b)(1), (4), (7), and (8), which authorize the SBEC to adopt rules as necessary for its own procedures, to regulate educators, specify the requirements for issuance or renewal of an educator certificate, provide for educator disci-

plinary proceedings and for enforcement of the educator's code of ethics; TEC, §21.044(a), which authorizes the SBEC to adopt rules establishing training requirements and academic qualifications required for a person to obtain an educator certificate; TEC, §21.058, which requires the SBEC to revoke the certification of an educator convicted or placed on deferred adjudication community supervision for certain offenses; TEC, §21.0581, which authorizes SBEC to take action against a person who assists another person obtain employment at a school despite knowing the other person engaged in sexual misconduct with a minor or student; TEC, §21.060, which sets out crimes that relate to the education profession and authorizes the SBEC to sanction or refuse to issue a certificate to any person who has been convicted of one of these offenses; TEC, §21.065, which sets requirements for the notice SBEC must send when it suspends an educator's certificate; TEC, §21.105(c), which allows the SBEC to impose sanctions against an educator who abandons a probationary contract; TEC, §21.160(c), which allows the SBEC to impose sanctions against an educator who abandons a continuing contract; TEC, §21.210(c), which allows the SBEC to impose sanctions against an educator who abandons a term contract; TEC, §22.082, which requires the SBEC to subscribe to the criminal history clearinghouse and allows the SBEC to obtain any criminal history from any closed case file; TEC, §22.0831, which requires the SBEC to review the criminal history of certified educators and applicants for certification; TEC, §22.085, which requires school districts, charter schools, and shared services arrangements to conduct fingerprint criminal background checks on employees and refuse to hire those that have certain criminal history; TEC, §22.087, which requires superintendents and directors of school districts, charter schools, private schools, regional education service centers, and shared services arrangements to notify the SBEC if an applicant for a certification has criminal history that is not in the criminal history clearinghouse; TEC, §22.092, which requires school districts, charter schools, districts of innovation, regional education service centers, and shared services arrangements to discharge or refuse to hire any person listed on the registry of persons not eligible for employment in Texas public schools; TEC, §22.093, requires superintendents or directors of school districts, districts of innovation, charter schools, regional education service centers, or shared services arrangements to notify the commissioner of education if an employee resigned or was terminated and there is evidence that the employee abused or otherwise committed an unlawful act with a student or minor or was involved in a romantic relationship with a student or minor; Texas Government Code (TGC), §411.090, which allows the SBEC to get from the Texas Department of Public Safety all criminal history record information about any applicant for licensure as an educator; TGC, §2001.054(c), which requires the SBEC to give notice by personal service or by registered or certified mail to the license holder of the factors or conduct alleged to warrant suspension, revocation, annulment, or withdrawal of an educator's certificate and to give the certified educator an opportunity to show that the educator is in compliance with the relevant statutes and rules; TGC, §2001.058(e), which sets out the requirements for when the SBEC can make changes to a proposal for decision from an administrative law judge; TGC, §2001.142(a), which requires all Texas state licensing agencies to notify parties to contested cases of orders or decisions of the agency by personal service, electronic means if the parties have agreed to it, first class, certified or registered mail, or by any method required under the agency's rules for a party to serve copies of pleadings in a contested case; Texas Family Code

(TFC), §261.308(d) and (e), which require the Texas Department of Family and Protective Services to release information regarding a person alleged to have committed abuse or neglect to the SBEC; TFC, §261.406(a) and (b), which require the Texas Department of Family and Protective Services to send a copy of a completed investigation report involving allegations of abuse or neglect of a child in a public or private school to the TEA; Texas Occupations Code (TOC), §53.021(a), which allows the SBEC to suspend or revoke an educator's certificate or refuse to issue a certificate, if a person is convicted of certain offenses; TOC, §53.022, which sets out factors for the SBEC to determine whether a particular criminal offense relates to the occupation of education; TOC, §53.023, which sets out additional factors for the SBEC to consider when deciding whether to allow a person convicted of a crime to serve as an educator; TOC, §53.0231, which sets out information the SBEC must give an applicant when it denies a license and requires that the SBEC allow 30 days for the applicant to submit any relevant information to the SBEC; TOC, §53.0232, which precludes SBEC from considering arrests that did not result in convictions or placement on deferred adjudication community supervision in the determination of fitness to be licensed as an educator; TOC, §53.024, which states that proceedings to deny or sanction an educator's certification are covered by the Texas Administrative Procedure Act, Texas Government Code, Chapter 2001; TOC, §53.025, which gives the SBEC rulemaking authority to issue guidelines to define which crimes relate to the profession of education; TOC, §53.051, which requires that the SBEC notify a license holder or applicant after denying, suspending, or revoking the certification; TOC, §53.052, which allows a person who has been denied an educator certification or had their educator certification revoked or suspended to file a petition for review in state district court after exhausting all administrative remedies; TOC, §56.003, which prohibits state agencies from taking disciplinary action against licensees for student loan non-payment or default; and the Every Student Succeeds Act (ESSA), 20 United States Code (U.S.C.) §7926, which requires state educational agencies to make rules forbidding educators from aiding other school employees, contractors, or agents in getting jobs when the educator knows the jobseeker has committed sexual misconduct with a student or minor in violation of the law.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code (TEC), §§21.006(a), (b), (b-1), (b-2), (c), (c-1), (c-2), (f), (g), (g-1), and (i); 21.0062; 21.007; 21.009(e); 21.031(a); 21.035; 21.041(a) and (b)(1), (4), (7), and (8); 21.044(a), 21.058; 21.0581; 21.060; 21.065; 21.105(c); 21.160(c); 21.210(c); 22.082; 22.0831; 22.085; 22.087; 22.092; and 22.093; Texas Government Code (TGC), §§411.090, 2001.054(c), 2001.058(e), and 2001.142(a); Texas Family Code (TFC), §261.308(d) and (e) and §261.406(a) and (b); Texas Occupations Code (TOC), §§53.021(a), 53.022-53.025, 53.051, 53.052 and 56.003; and the Every Student Succeeds Act (ESSA), 20 United States Code (U.S.C.) §7926.

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 April 28, 2025.
TRD-202501397

Cristina De La Fuente-Valadez
Director, Rulemaking
State Board for Educator Certification
Effective date: May 18, 2025
Proposal publication date: January 10, 2025
For further information, please call: (512) 475-1497



TITLE 22. EXAMINING BOARDS

PART 24. TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

CHAPTER 571. LICENSING

SUBCHAPTER A. GENERAL

22 TAC §571.7

The Texas Commission of Licensing and Regulation (Commission), on behalf of the Texas Board of Veterinary Medical Examiners (TBVME), adopts an amendment to an existing rule at 22 Texas Administrative Code (TAC), Chapter 571, Subchapter A, §571.7, regarding Licensing, without changes to the proposed text as published in the November 15, 2024, issue of the *Texas Register* (49 TexReg 9181). This rule will not be republished.

EXPLANATION OF AND JUSTIFICATION FOR THE RULES

The rules under 22 TAC, Chapter 571, implement Texas Occupations Code, Chapter 801, Veterinary Licensing Act.

The proposed rule extends the time period in which an applicant for a veterinary license who has not yet graduated from veterinary medical school must obtain a document confirming their expected graduation date in order to apply for the State Board Examination (SBE) from 60 days to 120 days. This proposed rule change was suggested by a major stakeholder, Texas Tech University School of Veterinary Medicine (Texas Tech), to align with their schedule for students in their final year of school. Texas Tech fourth-year students spend most of their year at externships throughout the state but return to the campus in February of the year they graduate. Texas Tech, in an attempt to limit costs to their students, wants to proctor a SBE for their graduating students in February while the students are all on campus. By allowing the students to obtain a document confirming their expected graduation date 120 days prior to graduation, this allows Texas Tech students to take the SBE on campus in February prior to their graduation. This change will also benefit all graduating veterinary students, both in-state and out-of-state, in that it allows them to take the SBE sooner.

SECTION-BY-SECTION SUMMARY

The adopted rule amends §571.7(f)(1) to extend the time period in which an applicant for a veterinary license who has not yet graduated from veterinary medical school must obtain a document confirming their expected graduation date in order to apply for the State Board Examination (SBE) from 60 days to 120 days.

PUBLIC COMMENTS

The proposed rule was published in the November 15, 2024, issue of the *Texas Register* (49 TexReg 9181). The public comment period closed on December 16, 2024. The Department did not receive any comments from interested parties on the proposed rule.

BOARD RECOMMENDATIONS AND COMMISSION ACTION

The Texas Board of Veterinary Medical Examiners met on February 20, 2025, to discuss the proposed rule. The Board recommended that the Commission adopt the proposed rule as published in the *Texas Register*. At its meeting on April 9, 2025, the Commission adopted the proposed rules as recommended by the Advisory Board.

STATUTORY AUTHORITY

The adopted rule is adopted under the authority of Texas Occupations Code, Chapters 51 and 801, which authorizes the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department.

The statutory provisions affected by the adopted rule are those set forth in Texas Occupations Code, Chapters 51 and 801. No other statutes, articles, or codes are affected by the adopted 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 April 25, 2025.

TRD-202501349

Doug Jennings

General Counsel

Texas Board of Veterinary Medical Examiners

Effective date: May 15, 2025

Proposal publication date: November 15, 2024

For further information, please call: (512) 475-4879



TITLE 26. HEALTH AND HUMAN SERVICES

PART 1. HEALTH AND HUMAN SERVICES COMMISSION

CHAPTER 259. COMMUNITY LIVING ASSISTANCE AND SUPPORT SERVICES (CLASS) PROGRAM AND COMMUNITY FIRST CHOICE (CFC) SERVICES

The Texas Health and Human Services Commission (HHSC) adopts amendments to §259.61, concerning Process for Enrollment of an Individual; §259.79, concerning Renewal and Revision of an IPC; §259.309, concerning Training of CMA Staff Persons and Volunteers; §259.317 concerning CMA: Reporting Allegations of Abuse, Neglect, or Exploitation of an Individual; §259.357, concerning Training of DSA Staff Persons, Service Providers, and Volunteers; and §259.369, concerning DSA: Reporting Allegations of Abuse, Neglect, or Exploitation of an Individual.

The amendments to §§259.61, 259.79, 259.309, 259.317, 259.357 and 259.369 are adopted without changes to the proposed text as published in the November 1, 2024, issue of the *Texas Register* (49 TexReg 8678). These rules will not be republished.

BACKGROUND AND JUSTIFICATION

The amendments are necessary to comply with Texas Human Resources Code §48.051(b-1), added by House Bill (H.B.) 4696, 88th Legislature, Regular Session, 2023. Section 48.051 requires a person, including an officer, employee, agent, contractor, or subcontractor of a home and community support services agency (HCSSA) licensed under Texas Health and Safety Code Chapter 142, who has cause to believe that an individual receiving services from the HCSSA, is being or has been subjected to abuse, neglect, or exploitation (ANE), to immediately report it to HHSC.

A direct service agency (DSA) in the CLASS Program must be licensed as a HCSSA and a CLASS case management agency (CMA) may be licensed as a HCSSA. To comply with Section 48.501, the amendments change the current CLASS Program ANE reporting requirement from the Texas Department of Family and Protective Services (DFPS) to HHSC. Transferring the function relating to the intake of reports of ANE from DFPS to HHSC creates a more streamlined process because HHSC is currently responsible for investigating these reports in the CLASS Program.

The amendments to the rules for CLASS CMAs and CLASS DSAs remove all references to DFPS, the DFPS Abuse Hotline toll-free telephone number, and the DFPS Abuse Hotline website and replaces them with references to HHSC, the HHSC toll-free telephone number, and the HHSC online Texas Unified Licensure Information Portal. The amendments to §259.61 and §259.79 replace a reference to Texas Administrative Code (TAC) Title 40, §49.309, that was administratively transferred to TAC Title 26, §52.117, relating to Complaint Process.

COMMENTS

The 31-day comment period ended December 2, 2024.

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

SUBCHAPTER B. ELIGIBILITY,

ENROLLMENT, AND REVIEW

DIVISION 2. ENROLLMENT PROCESS, PERSON-CENTERED SERVICE PLANNING, AND REQUIREMENTS FOR HOME AND COMMUNITY-BASED SETTINGS

26 TAC §259.61

STATUTORY AUTHORITY

The amendment is adopted under 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, which provides HHSC with the authority to administer the federal medical assistance program in Texas and to adopt rules and standards for program administration.

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 April 23, 2025.

TRD-202501310
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: May 13, 2025
Proposal publication date: November 1, 2024
For further information, please call: (512) 438-2910



DIVISION 3. REVIEWS

26 TAC §259.79

STATUTORY AUTHORITY

The amendment is adopted under 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, which provides HHSC with the authority to administer the federal medical assistance program in Texas and to adopt rules and standards for program administration.

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 April 23, 2025.

TRD-202501311
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: May 13, 2025
Proposal publication date: November 1, 2024
For further information, please call: (512) 438-2910



SUBCHAPTER G. ADDITIONAL CMA REQUIREMENTS

26 TAC §259.309, §259.317

STATUTORY AUTHORITY

The amendments are adopted under 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, which provides HHSC with the authority to administer the federal medical assistance program in Texas and to adopt rules and standards for program administration.

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 April 23, 2025.

TRD-202501312

Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: May 13, 2025
Proposal publication date: November 1, 2024
For further information, please call: (512) 438-2910



SUBCHAPTER H. ADDITIONAL DSA REQUIREMENTS

26 TAC §259.357, §259.369

STATUTORY AUTHORITY

The amendments are adopted under 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, which provides HHSC with the authority to administer the federal medical assistance program in Texas and to adopt rules and standards for program administration.

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 April 23, 2025.

TRD-202501313
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: May 13, 2025
Proposal publication date: November 1, 2024
For further information, please call: (512) 438-2910



TITLE 37. PUBLIC SAFETY AND CORRECTIONS

PART 5. TEXAS BOARD OF PARDONS AND PAROLES

CHAPTER 148. SEX OFFENDER CONDITIONS OF PAROLE OR MANDATORY SUPERVISION

37 TAC §§148.41 - 148.43, 148.45, 148.48, 148.50 - 148.55

The Texas Board of Pardons and Paroles adopts amendments to 37 TAC Chapter 148, §§148.41 - 148.43, 148.45, 148.48, and 148.50 - 148.55, concerning sex offender conditions of parole or mandatory supervision. The rules are adopted without changes to the proposed text as published in the January 24, 2025, issue of the *Texas Register* (50 TexReg 527). The text of the rules will not be republished.

The amendments are adopted to provide edits for uniformity and consistency throughout the rules; and to clarify Board requirements concerning ex parte consultations and witnesses in the sex offender conditions hearing process.

No public comments were received regarding adoption of these amendments.

The amended rules are adopted pursuant to §§508.036(b), 508.0441, 508.045, and 508.228, Government Code. Section 508.036(b) authorizes the Board to adopt rules relating to the decision-making processes used by the Board and parole panels. Section 508.0441 authorizes the board to adopt reasonable rules as proper or necessary relating to the eligibility of an offender for release to parole or mandatory supervision and to act on matters of release to parole or mandatory supervision. Section 508.045 authorizes a parole panel to grant or deny parole, revoke parole or mandatory supervision, and conduct revocation hearings. Section 508.228 authorizes a parole panel to impose sex offender conditions after a hearing for offenses where a sex offense occurred during the commission of the offense.

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 April 25, 2025.

TRD-202501368

Bettie Wells

General Counsel

Texas Board of Pardons and Paroles

Effective date: May 15, 2025

Proposal publication date: January 24, 2025

For further information, please call: (512) 406-5388



CHAPTER 150. MEMORANDUM OF UNDERSTANDING AND BOARD POLICY STATEMENTS

SUBCHAPTER A. PUBLISHED POLICIES OF THE BOARD

37 TAC §150.55

The Texas Board of Pardons and Paroles adopts amendments to 37 TAC Chapter 150, Memorandum of Understanding and Board Policy Statements. The amendments are adopted without change to the proposed text as published in the January 24, 2025, edition of the *Texas Register* (50 TexReg 530). The amendments are adopted to address grammatical changes and sentence structure for uniformity and consistency throughout the rules. The text of the rules will not be republished.

No public comments were received regarding adoption of these amendments.

The amended rules are adopted under Texas Government Code, Title 5. Open Government, Subtitle B, Ethics, Chapter 572 and Section 508.0441. Subtitle B, Ethics, Chapter 572, is the ethics policy of this state for state officers or state employees. Section 508.0441 requires the Board to implement a policy under which a Board member or Parole Commissioner should disqualify himself or herself on parole or mandatory supervision decisions. Section 508.035, Government Code, designates the presiding officer to establish policies and procedures to further the efficient administration of the business of the board.

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 April 25, 2025.

TRD-202501369

Bettie Wells

General Counsel

Texas Board of Pardons and Paroles

Effective date: May 15, 2025

Proposal publication date: January 24, 2025

For further information, please call: (512) 406-5388



PART 15. TEXAS FORENSIC SCIENCE COMMISSION

CHAPTER 651. DNA, CODIS, FORENSIC ANALYSIS, AND CRIME LABORATORIES SUBCHAPTER C. FORENSIC ANALYST LICENSING PROGRAM

37 TAC §651.222

The Texas Forensic Science Commission (Commission) adopts, without changes to the text as proposed in the February 28, 2025, issue of the *Texas Register* (50 TexReg 1651), amendments to 37 Texas Administrative Code Chapter §651.222, Voluntary Licensure Forensic Analyst and Technician Licensing Requirements, to qualify all versions of the Texas Commission on Law Enforcement (TCOLE) Course Number 2106 Intermediate Crime Scene revised or established prior to or after 2019, as long as the course is taught by a TCOLE-certified instructor or subject matter expert approved by the Commission. The rule changes also correct the title of the section to Voluntary Forensic Analyst and Technician Licensing Requirements.

Background and Justification. The adopted amendments qualify crime scene applicants who took the TCOLE 2106 course before 2019 for voluntary licensure by the Commission. Under the current rules, only the 2019 or later courses fulfill this requirement.

Public Comment. Pursuant to § 2001.029 of the Texas Government Code, the Commission gave all interested persons a reasonable opportunity to provide oral and/or written comments concerning the adoption of the rules. The public comment period began on May 1, 2025, and ended on April 1, 2025. The Commission did not receive any comments.

Statutory Authority. The rule amendments are proposed under the general rulemaking authority provided in Code of Criminal Procedure, Article 38.01 §3-a and its authority to license forensic analysts under §4-a(b).

Cross reference to statute. The proposal affects Tex. Code Crim. Proc. art. 38.01.

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 April 22, 2025.

TRD-202501301

Leigh Tomlin
Associate General Counsel
Texas Forensic Science Commission
Effective date: May 12, 2025
Proposal publication date: February 28, 2025
For further information, please call: (512) 936-0770



TRANSFERRED RULES

The Government Code, §2002.058, authorizes the Secretary of State to remove or transfer rules within the Texas Administrative Code when the agency that promulgated the rules is abolished. The Secretary of State will publish notice of rule transfer or removal in this section of the *Texas Register*. The effective date of a rule transfer is the date set by the legislature, not the date of publication of notice. Proposed or emergency rules are not subject to administrative transfer.

Department of State Health Services

Rule Transfer

During the 84th Legislative Session, the Texas Legislature passed Senate Bill 200, addressing the reorganization of health and human services delivery in Texas. As a result, certain functions previously performed by the Department of State Health Services (DSHS), including client services, certain regulatory functions, and the operation of state hospitals, transferred to the Texas Health and Human Services Commission (HHSC) in accordance with Texas Government Code, §531.0201 and §531.02011. The DSHS rules in Texas Administrative Code, Title 25, Part 1, Chapter 117, End Stage Renal Disease Facilities, Subchapter G, Fire Prevention and Safety Requirements, and Subchapter H, Physical Plant and Construction Requirements, that are related to these transferred functions, are being transferred to HHSC under Texas Administrative Code, Title 26, Part 1, Chapter 507, End Stage Renal Disease Facilities, Subchapter Y, Fire Prevention and Safety Requirements and Subchapter Z, Physical Plant and Construction Requirements.

The rules will be transferred in the Texas Administrative Code effective May 30, 2025.

The following table outlines the rule transfer:

Figure: 25 TAC Chapter 117, Subchapters G and H

TRD-202501421

Health and Human Services Commission

Rule Transfer

During the 84th Legislative Session, the Texas Legislature passed Senate Bill 200, addressing the reorganization of health and human services delivery in Texas. As a result, certain functions previously performed by the Department of State Health Services (DSHS), including client services, certain regulatory functions, and the operation of state hospitals, transferred to the Texas Health and Human Services Commission (HHSC) in accordance with Texas Government Code, §531.0201 and §531.02011. The DSHS rules in Texas Administrative Code, Title 25, Part 1, Chapter 117, End Stage Renal Disease Facilities, Subchapter G, Fire Prevention and Safety Requirements, and Subchapter H, Physical Plant and Construction Requirements, that are related to these transferred functions, are being transferred to HHSC under Texas Administrative Code, Title 26, Part 1, Chapter 507, End Stage Renal Disease Facilities, Subchapter Y, Fire Prevention and Safety Requirements and Subchapter Z, Physical Plant and Construction Requirements.

The rules will be transferred in the Texas Administrative Code effective May 30, 2025.

The following table outlines the rule transfer:

Figure: 25 TAC Chapter 117, Subchapters G and H

TRD-202501422

Figure: 25 TAC Chapter 117, Subchapters G and H

Current Rules Title 25. Health Services Part 1. Department Of State Health Services Chapter 117. End Stage Renal Disease Facilities	Move to Title 26. Health and Human Services Part 1. Health and Human Services Commission Chapter 507. End Stage Renal Disease Facilities
Subchapter G. Fire Prevention and Safety Requirements	Subchapter Y. Fire Prevention and Safety Requirements
§117.91. Fire Prevention, Protection, and Emergency Contingency Plan.	§507.501. Fire Prevention, Protection, and Emergency Contingency Plan.
§117.92. General Safety.	§507.502. General Safety.
§117.93. Handling and Storage of Gases and Flammable Liquids.	§507.503. Handling and Storage of Gases and Flammable Liquids.
Subchapter H. Physical Plant and Construction Requirements	Subchapter Z. Physical Plant and Construction Requirements
§117.101. Construction Requirements for an Existing End Stage Renal Disease Facility.	§507.511. Construction Requirements for an Existing End Stage Renal Disease Facility.
§117.102. Construction Requirements for a New End Stage Renal Disease Facility.	§507.512. Construction Requirements for a New End Stage Renal Disease Facility.
§117.103. Elevators, Escalators, and Conveyors.	§507.513. Elevators, Escalators, and Conveyors.
§117.104. Preparation, Submittal, Review and Approval of Plans, and Retention of Records.	§507.514. Preparation, Submittal, Review and Approval of Plans, and Retention of Records.
§117.105. Construction, Inspections, and Approval of Project.	§507.515. Construction, Inspections, and Approval of Project.
§117.106. Tables.	§507.516. Tables.

◆ ◆ ◆
Health and Human Services Commission

Rule Transfer

Due to a filing discrepancy by the Texas Health and Human Services Commission, the HHSC rule in Texas Administrative Code, Title 26, Part 1, Chapter 370, Human Trafficking Resource Center, §370.456, Prohibition of Provider Discrimination Based on Immunization Status, was adopted in the incorrect location and is now being transferred to Title 1, Part 15, Chapter 370, State Children's Health Insurance Program, Subchapter E, Provider Requirements, §370.456, Prohibition of Provider Discrimination Based on Immunization Status.

The rules will be transferred in the Texas Administrative Code effective May 13, 2025.

The following table outlines the rule transfer:

Figure: 26 TAC §370.456

TRD-202501423

Texas Health and Human Services Commission

Rule Transfer

Due to a filing discrepancy by the Texas Health and Human Services Commission, the HHSC rule in Texas Administrative Code, Title 26, Part 1, Chapter 370, Human Trafficking Resource Center, §370.456, Prohibition of Provider Discrimination Based on Immunization Status, was adopted in the incorrect location and is now being transferred to Title 1, Part 15, Chapter 370, State Children's Health Insurance Program, Subchapter E, Provider Requirements, §370.456, Prohibition of Provider Discrimination Based on Immunization Status.

The rules will be transferred in the Texas Administrative Code effective May 13, 2025.

The following table outlines the rule transfer:

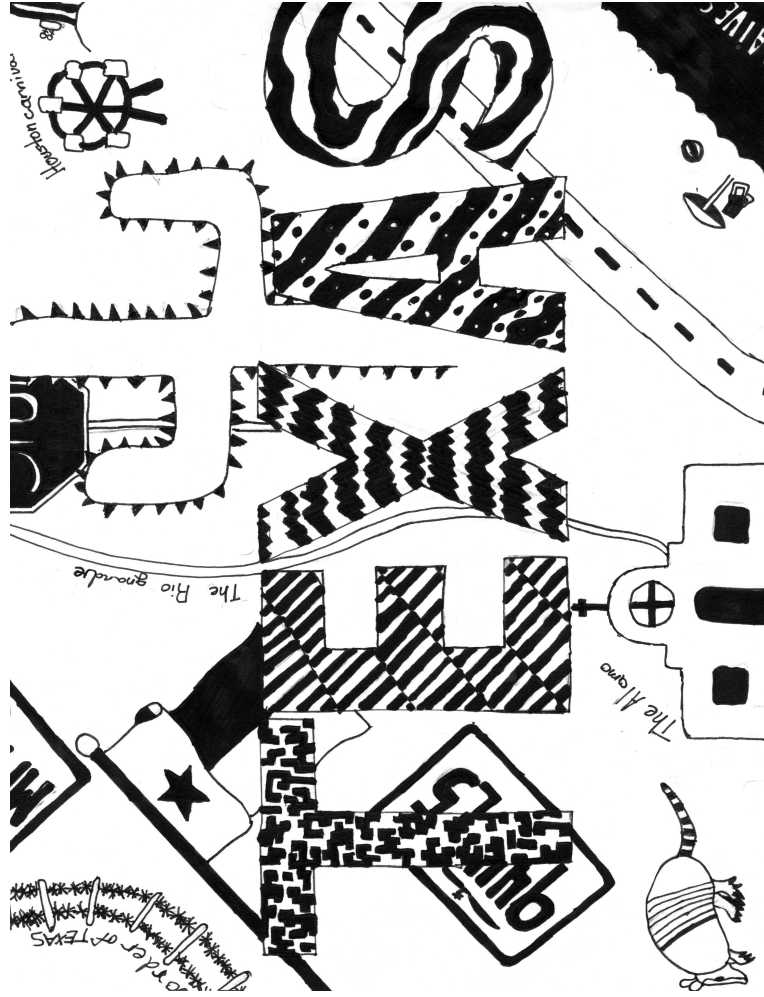
Figure: 26 TAC §370.456

TRD-202501424

Figure: 26 TAC §370.456

Current Rules Title 26. Health and Human Services Part 1. Health and Human Services Chapter 370. Human Trafficking Resource Center	Move to Title 1. Administration Part 15. Texas Health and Human Services Commission Chapter 370. State Children’s Health Insurance Program Subchapter E. Provider Requirements
§370.456. Prohibition of Provider Discrimination Based on Immunization Status.	§370.456. Prohibition of Provider Discrimination Based on Immunization Status.

◆ ◆ ◆



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.

Adopted Rule Reviews

Texas Higher Education Coordinating Board

Title 19, Part 1

The Texas Higher Education Coordinating Board (Coordinating Board) adopts the review of Title 19, Part 1, Chapter 22, Subchapter A, General Provisions, §§22.3, 22.5, and 22.6 without changes, and §§22.1, 22.2, 22.4, and 22.9 - 22.11 with changes as published concurrently with this notice.

The proposed notice of review was published in the February 28, 2025, issue of the *Texas Register* (50 TexReg 1703). No comments were received regarding the review of this chapter. During its review, the Coordinating Board determined that the initial reasons for adopting these sections continue to exist. Sections 22.3, 22.5, and 22.6 are readopted, and §§22.1, 22.2, 22.4, and 22.9 - 22.11 are readopted with amendments in accordance with the requirements of the Government Code, §2001.039.

This concludes the Coordinating Board's review of Chapter 22, Subchapter A, as required by the Texas Government Code, §2001.039.

TRD-202501361

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Filed: April 25, 2025



The Texas Higher Education Coordinating Board (Coordinating Board) adopts the review of Title 19, Part 1, Chapter 22, Subchapter B, Provisions for the Tuition Equalization Grant Program, §22.21 without changes, and §§22.22 - 22.30 with changes as published concurrently with this notice.

The proposed notice of review was published in the February 7, 2025, issue of the *Texas Register* (50 TexReg 791). No comments were received regarding the review of this chapter. During its review, the Coordinating Board determined that the initial reasons for adopting these sections continue to exist. Section 22.21 is readopted, and §§22.22 - 22.30 are readopted with amendments in accordance with the requirements of the Government Code, §2001.039.

This concludes the Coordinating Board's review of Chapter 22, Subchapter B, as required by the Texas Government Code, §2001.039.

TRD-202501363

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Filed: April 25, 2025



The Texas Higher Education Coordinating Board (Coordinating Board) adopts the review of Title 19, Part 1, Chapter 22, Subchapter L, Toward EXcellence, Access, and Success (TEXAS) Grant Program, §§22.225 and §22.237 without changes, and §§22.226 - 22.231, 22.233, 22.234, 22.236 and 22.241 with changes as published concurrently with this notice.

The proposed notice of review was published in the February 7, 2025, issue of the *Texas Register* (50 TexReg 791). No comments were received regarding the review of this chapter. During its review, the Coordinating Board determined that the initial reasons for adopting these sections continue to exist. Sections 22.225 and 22.237 are readopted, and §§22.226 - 22.231, 22.233, 22.234, 22.236 and 22.241 are readopted with amendments in accordance with the requirements of the Government Code, §2001.039.

This concludes the Coordinating Board's review of Chapter 22, Subchapter L, as required by the Texas Government Code, §2001.039.

TRD-202501365

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Filed: April 25, 2025



The Texas Higher Education Coordinating Board (Coordinating Board) adopts the review of Title 19, Part 1, Chapter 22, Subchapter M, Texas Educational Opportunity Grant Program, §22.253 without changes, and §§22.254 - 22.262, 22.264, and 22.265 with changes as published concurrently with this notice.

The proposed notice of review was published in the February 7, 2025, issue of the *Texas Register* (50 TexReg 791). No comments were received regarding the review of this chapter. During its review, the Coordinating Board determined that the initial reasons for adopting these sections continue to exist. Section 22.253 is readopted, and §§22.254 - 22.262, 22.264, and 22.265 are readopted with amendments in accordance with the requirements of the Government Code, §2001.039.

This concludes the Coordinating Board's review of Chapter 22, Subchapter M, as required by the Texas Government Code, §2001.039.

TRD-202501367

Nichole Bunker-Henderson
General Counsel
Texas Higher Education Coordinating Board
Filed: April 25, 2025



Texas Board of Pardons and Paroles

Title 37, Part 5

The Texas Board of Pardons and Paroles (Board) files this notice of readoption of 37 TAC, Part 5, Chapter 148, Sex Offender Conditions of Parole or Mandatory Supervision. The review was conducted pursuant to Government Code, §2001.039. Notice of the Board's intention to review was published in the May 10, 2024, issue of the *Texas Register* (49 TexReg 3379).

As a result of the review, the Board has determined that the original justifications for these rules continue to exist. The Board readopts §§148.41, 148.42, 148.43, 148.45, 148.48, 148.50, 148.51, 143.52, 148.53, 148.54 and 148.55 with amendments as published in the Adopted Rules section of this issue of the *Texas Register*. The Board readopts the remainder of the sections in Chapter 148 without amendments.

No comments on the proposed review were received.

This concludes the review of 37 TAC Chapter 148, Sex Offender Conditions of Parole or Mandatory Supervision.

TRD-202501370

Bettie Wells
General Counsel
Texas Board of Pardons and Paroles
Filed: April 25, 2025



The Texas Board of Pardons and Paroles (Board) files this notice of readoption of 37 TAC, Part 5, Chapter 150, Memorandum of Understanding and Board Policy Statements. The review was conducted pursuant to Government Code, §2001.039. Notice of the Board's intention to review was published in the May 10, 2024, issue of the *Texas Register* (49 TexReg 3379).

As a result of the review, the Board has determined that the original justifications for these rules continue to exist. The Board readopts §150.55 and §150.56 with amendments as published in the Adopted Rules section of the November 1, 2024, issue of the *Texas Register* (49 TexReg 8745) and the Adopted Rules section of this issue of the *Texas Register*.

No comments on the proposed review were received.

This concludes the review of 37 TAC Chapter 150, Memorandum of Understanding and Board Policy Statements.

TRD-202501371

Bettie Wells
General Counsel
Texas Board of Pardons and Paroles
Filed: April 25, 2025



TABLES & GRAPHICS

Graphic images included in rules are published separately in this tables and graphics section. Graphic images are arranged in this section in the following order: Title Number, Part Number, Chapter Number and Section Number.

Graphic images are indicated in the text of the emergency, proposed, and adopted rules by the following tag: the word “Figure” followed by the TAC citation, rule number, and the appropriate subsection, paragraph, subparagraph, and so on.

Figure: 19 TAC Chapter 231, Subchapter F - Preamble

SBEC Meetings	SBEC Discussion
December 2023	<ul style="list-style-type: none">• Overview of federal and state requirements• Core challenges related to current rule text• Initial set of recommendations shared by Texas Education Agency (TEA) staff• Directive to TEA staff to explore development of a Texas-specific worksheet to replace current High Objective Uniform State Standard of Evaluation (HOUSSE) worksheet
February 2024	<ul style="list-style-type: none">• Additional context around federal requirements, current rule text, and HOUSSE provisions• Texas-specific worksheet development update
July 2024	<ul style="list-style-type: none">• Directive to TEA staff to move forward with content competency requirements for special education teachers of record only and allow worksheet flexibilities for elementary and secondary special education teachers of record
September 2024	<ul style="list-style-type: none">• Updated draft of the Texas Content Competency Worksheet for Special Education Teachers of Record (Grades EC-12)

Figure: 19 TAC Chapter 235-Preamble

Standards	Current Subchapter and Section	Proposed Action	Proposed Subchapter and Section
PPR Standards, Early Childhood: Pre-k-Grade 3	Subchapter B. §235.11	Repeal and replace with updated Classroom Teacher Standards Early Childhood-Grade 12	New Subchapter C. New §235.21
Content Standards, Early Childhood: Pre-k-Grade 3	Subchapter B. §235.13	No change to standards	New Subchapter B. New §235.11
PPR Standards, Early Childhood-Grade 6	Subchapter B. §235.21	Repeal and replace with updated Classroom Teacher Standards Early Childhood-Grade 12	New Subchapter C. New §235.21
PPR Standards, Grades 4-8	Subchapter C. §235.41	Repeal and replace updated Classroom Teacher Standards Early Childhood-Grade 12	New Subchapter C. New §235.21
PPR Standards, Grades 7-12	Subchapter D. §235.61	Repeal and replace updated Classroom Teacher Standards Early Childhood-Grade 12	New Subchapter C. New §235.21
PPR Standards, Grades 6-12, Trade and Industrial Workforce Training	Subchapter D. §235.63	No change to standards	New Subchapter D. New §235.61

Figure: 37 TAC §152.25

Unit Name	Capacity
Allred	[4,464] <u>4,452</u>
Bartlett	1,049
Baten	420
Bell	520
Beto	[3,474] <u>3,578</u>
Boyd	1,372
Bradshaw	1,980
Bridgeport	520
Briscoe	1,384
Byrd	1,365
Clemens	[1,536] <u>1,643</u>
Clements	[4,048] <u>4,492</u>
Coffield	[4,139] <u>4,346</u>
Cole	900
Coleman	1,000
Connally	[2,928] <u>3,408</u>
Cotulla	606
Crain	2,115
Dalhart	1,398
Daniel	1,384
Diboll	518
Dominguez	2,276
Duncan	530
Ellis	[2,482] <u>2,589</u>
Estelle	3,460
Estes	1,040
Ferguson	[2,424] <u>2,528</u>
Formby	1,100
Fort Stockton	606
Garza East <i>(Includes co-located work camp.)</i>	2,458
Garza West	2,278
Gist	2,276
Glossbrenner	612
Goodman	612
Goree	1,321
Gurney	2,128
Halbert	612

Hamilton	1,166
Havins	596
Henley	576
Hightower	1,384
Hilltop	553
Hobby	1,384
Hodge	989
Holliday	2,120
Hospital Galveston <i>(Medical beds are not permanent housing and do not count toward capacity.)</i>	0
Hughes	[2,984] <u>3,464</u>
Huntsville	1,705
Hutchins	2,276
Jester III	1,185
Johnston	612
Jordan	1,008
Kegans	667
Kyle	520
LeBlanc	1,224
Lewis	2,388
Lindsey	1,031
Lopez	1,100
Luther	1,316
Lychner	2,276
Lynaugh	1,416
Marlin	606
McConnell	[2,984] <u>3,460</u>
Mechler	606
Memorial	[1,931] <u>2,038</u>
Michael	[3,305] <u>3,785</u>
Middleton	2,128
Montford	950
Moore, B.	500
Moore, C.	1,224
Murray	1,264
Neal	1,732
Ney	576
O'Daniel	645
Pack	1,426
Plane	2,296

Polunsky	[2,984] <u>3,464</u>
Powledge	1,137
Ramsey	1,891
Roach	1,384
Robertson	[2,984] <u>3,458</u>
Rudd	612
San Saba	606
Sanchez	1,100
Sayle	632
Scott	550
Segovia	1,224
Skyview	562
Smith	2,484
Stevenson	1,384
Stiles	[3,379] <u>3,367</u>
Stringfellow	[1,212] <u>1,252</u>
Telford	[2,967] <u>3,447</u>
Terrell, C.T.	[1,603] <u>1,643</u>
Torres	1,384
Travis Co.	1,161
Vance	378
Wainwright	[2,474] <u>2,581</u>
Wallace <i>(Includes co-located work camp.)</i>	1,448
Ware	916
Wheeler	576
Willacy Co.	1,069
Woodman	900
Wynne	[2,624] <u>2,721</u>
Young	328



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 05/05/25 - 05/11/25 is 18.00% for consumer¹ credit.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 05/05/25 - 05/11/25 is 18.00% for commercial² credit.

¹ Credit for personal, family, or household use.

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

TRD-202501471

Leslie Pettijohn

Commissioner

Office of Consumer Credit Commissioner

Filed: April 30, 2025

State Board for Educator Certification

Correction of Error

The State Board for Educator Certification (SBEC) proposed revisions to 19 TAC Chapter 235, Classroom Teacher Certification Standards, in the January 10, 2025 issue of the *Texas Register* (50 TexReg 239).

Due to error as submitted by the Texas Education Agency (TEA), the phrase "define a teacher's role as a professional, an ethical, and a reflective practitioner" in 19 TAC §235.21(a) included typographical errors. The text should have read as "define a teacher's role as a professional, ethical, and reflective practitioner."

TRD-202501398

Cristina De La Fuente-Valadez

Director, Rulemaking

State Board for Educator Certification

Filed: April 28, 2025

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 **June 10, 2025**. TWC, §7.075, also requires that the commission promptly consider any written comments received and

that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A copy of each proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building C, 1st Floor, Austin, Texas 78753, (512) 239-2545 and at the applicable regional office listed as follows. Written comments about an AO should be sent to the enforcement coordinator designated for each AO at the commission's central office at P.O. Box 13087, Austin, Texas 78711-3087 and must be received by 5:00 p.m. on **June 10, 2025**. Written comments may also be sent by facsimile machine to the enforcement coordinator at (512) 239-2550. The commission's enforcement coordinators are available to discuss the AOs and/or the comment procedure at the listed phone numbers; however, TWC, §7.075, provides that comments on the AOs shall be submitted to the commission in writing.

(1) COMPANY: BEACH RV PARTNERSHIP, LTD; DOCKET NUMBER: 2024-0208-PWS-E; IDENTIFIER: RN100825074; LOCATION: Buchanan Dam, Llano County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.39(j)(1)(A) and Texas Health and Safety Code, §341.0351, by failing to notify the Executive Director and receive approval prior to making a significant change or addition where the change in the existing systems results in an increase or decrease in production, treatment, storage or pressure maintenance; PENALTY: \$1,905; ENFORCEMENT COORDINATOR: Kaisie Hubschmitt, (512) 239-1482; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(2) COMPANY: City of Crockett; DOCKET NUMBER: 2022-0028-MWD-E; IDENTIFIER: RN101609741; LOCATION: Crockett, Houston 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 (TPDES) Permit Number WQ0010154001, Effluent Limitations and Monitoring Requirements Numbers 1, 2, and 3, by failing to comply with permitted effluent limitations; 30 TAC §305.125(1) and (4), TWC, §26.121(a)(1), and TPDES Permit Number WQ0010154001, Permit Conditions Number 2.d, by failing to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation that has a reasonable likelihood of adversely affecting human health or the environment; 30 TAC §305.125(1) and (5) and TPDES Permit Number WQ0010154001, Operational Requirements Number 1, by failing to ensure the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained; 30 TAC §305.125(1) and (9)(A) and TPDES Permit Number WQ0010154001, Monitoring and Reporting Requirements Number 7.c, by failing to report to the TCEQ in writing, any effluent violation which deviates from the permitted effluent limitation by more than 40% within five working days of becoming aware of noncompliance; 30 TAC §305.125(1) and (12) and TPDES Permit Number WQ0010154001,

Definitions and Standard Permit Conditions Number 2, by failing to accurately report monitoring activities; 30 TAC §305.125(1) and (17) and TPDES Permit Number WQ0010154001, Sludge Provisions, Section III, Part G, by failing to submit a complete annual sludge report to the TCEQ by September 30th of each year; and 30 TAC §317.7(e), by failing to secure the facility in an intruder-resistant manner; PENALTY: \$184,700; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$147,760; ENFORCEMENT COORDINATOR: Harley Hobson, (512) 239-1337; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(3) COMPANY: City of Schertz; DOCKET NUMBER: 2024-0714-PWS-E; IDENTIFIER: RN101239168; LOCATION: Schertz, Guadalupe County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.39(o)(3) and §290.45(h)(1), by failing to adopt and submit to the Executive Director a complete Emergency Preparedness Plan that demonstrates the facility's ability to provide emergency operations; PENALTY: \$315; ENFORCEMENT COORDINATOR: Claudia Bartley, (512) 239-1116; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(4) COMPANY: City of Tye; DOCKET NUMBER: 2024-1679-PWS-E; IDENTIFIER: RN101385953; LOCATION: Tye, Taylor County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.46(d)(2)(B) and §290.110(b)(4) and Texas Health and Safety Code, §341.0315(c), by failing to maintain a disinfectant residual of at least 0.5 milligrams per liter of chloramine throughout the distribution system at all times; and 30 TAC §290.110(c)(4)(B), by failing to monitor the disinfectant residual at representative locations in the distribution system at least once per day; PENALTY: \$473; ENFORCEMENT COORDINATOR: De'Shaune Blake, (210) 403-4033; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 492-3096.

(5) COMPANY: Cross Country Water Supply Corporation; DOCKET NUMBER: 2023-0378-PWS-E; IDENTIFIER: RN101439438; LOCATION: China Spring, McLennan County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.39(j)(1)(A) and Texas Health and Safety Code (THSC), §341.0351, by failing to notify the Executive Director and receive approval prior to making any significant change or addition where the change in the existing distribution system results in an increase or decrease in production, treatment, storage, or pressure maintenance; 30 TAC §290.45(b)(1)(C)(i) and THSC, §341.0315(c), by failing to provide a well capacity of 0.6 gallons per minute per connection; and 30 TAC §290.46(j), by failing to complete a Customer Service Inspection certificate prior to providing continuous water service to new construction or any existing service when the water purveyor has reason to believe a cross-connection or other potential contamination hazard exists or after material improvements, corrections, or additions to the private water distribution system; PENALTY: \$3,315; ENFORCEMENT COORDINATOR: Ronica Rodriguez Scott, (512) 239-2510; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(6) COMPANY: CROWN Cork and Seal USA, Incorporated; DOCKET NUMBER: 2023-0934-AIR-E; IDENTIFIER: RN100711118; LOCATION: Conroe, Montgomery County; TYPE OF FACILITY: metal container manufacturing facility; RULES VIOLATED: 30 TAC §122.143(4) and §122.146(1) and (2), Federal Operating Permit Number O1036, General Terms and Conditions and Special Terms and Conditions Number 14, and Texas Health and Safety Code, §382.085(b), by failing to certify compliance with the terms and conditions of the permit for at least each 12-month period following initial permit issuance, and failing to submit a permit compliance certification within 30 days of any certification period; PENALTY: \$4,000; ENFORCEMENT COORDINATOR: Yuliya

Dunaway, (210) 403-4077; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 492-3096.

(7) COMPANY: Deer Trail Water District, LLC; DOCKET NUMBER: 2025-0167-PWS-E; IDENTIFIER: RN111521142; LOCATION: Willis, Montgomery County; TYPE OF FACILITY: public water supply; RULE VIOLATED: 30 TAC §290.39(o)(1), by failing to adopt and submit to the TCEQ for approval an emergency preparedness plan that demonstrates the facility's ability to provide emergency operations; PENALTY: \$460; ENFORCEMENT COORDINATOR: Mason DeMasi, (210) 657-8425; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 492-3096.

(8) COMPANY: DOBBIN-PLANTERSVILLE WATER SUPPLY CORPORATION, (a non profit Corporation); DOCKET NUMBER: 2024-1653-PWS-E; IDENTIFIER: RN101437648; LOCATION: Plantersville, Grimes County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.45(b)(1)(D)(i) and Texas Health and Safety Code (THSC), §341.0315(c), by failing to provide two or more wells having a total capacity of 0.6 gallons per minute (gpm) per connection; 30 TAC §290.45(b)(1)(D)(iii) and THSC, §341.0315(c), by failing to provide two or more service pumps having a total capacity of 2.0 gpm per connection; 30 TAC §290.46(m), by failing to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment; and 30 TAC §290.46(m)(6), by failing to maintain all pumps, motors, valves, and other mechanical devices in good working condition; PENALTY: \$2,310; ENFORCEMENT COORDINATOR: Emerson Rinewalt, (512) 239-1131; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(9) COMPANY: First Watch Service Center, LLC dba Handi Plus 12; DOCKET NUMBER: 2023-0737-PST-E; IDENTIFIER: RN102473824; LOCATION: Houston, Harris County; TYPE OF FACILITY: temporarily out-of-service underground storage tank (UST) system; RULES VIOLATED: 30 TAC §37.815(a) and (b) and §334.54(b)(2), by failing to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum USTs, and failing to maintain all piping, pumps, manways, tank access points, and ancillary equipment in a capped, plugged, locked, and/or otherwise secured manner to prevent access, tampering, or vandalism by unauthorized persons; and 30 TAC §334.7(d)(1)(A) and (3), by failing to provide an amended registration for any change or additional information regarding the USTs within 30 days from the date of the occurrence of the change or addition; PENALTY: \$7,629; ENFORCEMENT COORDINATOR: Faye Renfro, (512) 239-1833; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(10) COMPANY: Harris County Fresh Water Supply District 1-B; DOCKET NUMBER: 2024-1603-PWS-E; IDENTIFIER: RN102944147; LOCATION: Highlands, Harris County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.115(e)(2), by failing to conduct an operation evaluation and submit a written operation evaluation report to the Executive Director within 90 days after being notified of the analytical results that caused an exceedance of the operational evaluation level for haloacetic acids (HAA5) for Stage 2 Disinfection Byproducts at Site 1 during the first quarter of 2024; and 30 TAC §290.115(f)(1) and Texas Health and Safety Code, §341.0315(c), by failing to comply with the maximum contaminant level of 0.060 milligrams per liter for HAA5, based on the locational running annual average; PENALTY: \$1,837; ENFORCEMENT COORDINATOR: Ilia Perez-Ramirez, (713) 767-3743; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(11) COMPANY: Ira Water Supply Corporation; DOCKET NUMBER: 2024-1490-PWS-E; IDENTIFIER: RN101453991; LOCATION: Ira, Scurry County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.115(e)(2), by failing to conduct an operation evaluation and submit a written operation evaluation report to the Executive Director within 90 days after being notified of the analytical results that caused an exceedance of the operational evaluation level for total trihalomethanes (TTHM) for Stage 2 Disinfection Byproducts at Site 1 during the first and second quarters of 2024; 30 TAC §290.115(f)(1) and Texas Health and Safety Code, §341.0315(c), by failing to comply with the maximum contaminant level of 0.080 milligrams per liter for TTHM, based on the locational running annual average; and 30 TAC §291.76 and TWC, §5.702, by failing to pay regulatory assessment fees for the TCEQ Public Utility Account regarding Certificate of Convenience and Necessity Number 11012 for calendar years 2021 through 2024; PENALTY: \$2,350; ENFORCEMENT COORDINATOR: Rachel Frey, (512) 239-4330; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(12) COMPANY: Isaias Sanchez; DOCKET NUMBER: 2024-0744-SLG-E; IDENTIFIER: RN105722136; LOCATION: Tyler, Smith County; TYPE OF FACILITY: sludge transporter business; RULES VIOLATED: 30 TAC §312.143(a) and TWC, §26.121(a)(1), by failing to deposit wastes at a facility designated by or acceptable to the generator where the owner or operator of the facility agrees to receive the wastes and the facility has written authorization by permit or registration issued by the Executive Director to receive wastes; and 30 TAC §312.144(a)(4), by failing to prominently mark vehicles used to collect and transport wastes; PENALTY: \$19,254; ENFORCEMENT COORDINATOR: Taylor Williamson, (512) 239-2097; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(13) COMPANY: Larry G. McGlothlin; DOCKET NUMBER: 2024-1642-MSW-E; IDENTIFIER: RN110045390; LOCATION: Hemphill, Sabine County; TYPE OF FACILITY: unauthorized municipal solid waste (MSW) disposal site; RULE VIOLATED: 30 TAC §330.15(a) and (c), by failing to not cause, suffer, allow, or permit the unauthorized disposal of MSW; PENALTY: \$3,750; ENFORCEMENT COORDINATOR: Karolyn Kent, (512) 239-2536; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(14) COMPANY: Nalco Production LLC; DOCKET NUMBER: 2023-0683-IWD-E; IDENTIFIER: RN101618882; LOCATION: Fresno, Fort Bend County; TYPE OF FACILITY: organic chemical manufacturing plant; RULES VIOLATED: 30 TAC §305.125(1), TWC, §26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit Number WQ0004306000, Effluent Limitations and Monitoring Requirements Numbers 1 and 2 for Outfall 001, by failing to comply with permitted effluent limitations; PENALTY: \$34,200; ENFORCEMENT COORDINATOR: Mark Gamble, (512) 239-2587; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(15) COMPANY: Nelson Gardens Energy, LLC; DOCKET NUMBER: 2023-1087-AIR-E; IDENTIFIER: RN101478238; LOCATION: San Antonio, Bexar County; TYPE OF FACILITY: renewable energy facility; RULES VIOLATED: 30 TAC §§101.20(1), 116.615(6), 116.620(a)(14), and 122.143(4), 40 Code of Federal Regulations §60.8(a) and §60.4245(d), Standard Permit Registration Number 100111, Federal Operating Permit Number O3539/General Operating Permit Number 517, Site-wide Requirements Number (b)(30)(B), and Texas Health and Safety Code, §382.085(b), by failing to submit a copy of each performance test within 60 days after the test has been completed; PENALTY: \$4,000; ENFORCEMENT COORDINATOR:

Caleb Martin, (512) 239-2091; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(16) COMPANY: Occidental Permian Ltd.; DOCKET NUMBER: 2023-0138-AIR-E; IDENTIFIER: RN100226687; LOCATION: Denver City, Yoakum County; TYPE OF FACILITY: gas processing site; RULES VIOLATED: 30 TAC §122.143(4) and §122.145(2)(C), Federal Operating Permit Number O553, General Terms and Conditions, and Texas Health and Safety Code, §382.085(b), by failing to submit a deviation report no later than 30 days after the end of each reporting period; PENALTY: \$255; ENFORCEMENT COORDINATOR: Yuliya Dunaway, (210) 403-4077; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 492-3096.

(17) COMPANY: Ridgemar (Eagle Ford) LLC; DOCKET NUMBER: 2024-1361-AIR-E; IDENTIFIER: RN110069986; LOCATION: Tilden, McMullen County; TYPE OF FACILITY: oil and gas production facility; RULES VIOLATED: 30 TAC §101.201(a)(1)(B) and Texas Health and Safety Code (THSC), §382.085(b), by failing to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event; and 30 TAC §116.115(c) and §116.615(2), Standard Permit Registration Number 149699, Oil and Gas Handling and Production Facilities, Special Conditions Number (h), and THSC, §382.085(b), by failing to prevent unauthorized emissions; PENALTY: \$12,351; ENFORCEMENT COORDINATOR: Desmond Martin, (512) 239-2814; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(18) COMPANY: Texas Parks and Wildlife Department; DOCKET NUMBER: 2024-0447-PWS-E; IDENTIFIER: RN111800405; LOCATION: El Paso, El Paso County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.39(e) and (h)(1) and Texas Health and Safety Code, §341.035(a), by failing to submit plans and specifications to the Executive Director for review and approval prior to the construction of a new public water supply; and 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; PENALTY: \$2,625; ENFORCEMENT COORDINATOR: Ronica Rodriguez Scott, (512) 239-2510; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(19) COMPANY: Texas Parks and Wildlife Department; DOCKET NUMBER: 2023-0713-PWS-E; IDENTIFIER: RN101183341; LOCATION: Quitaque, Briscoe County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.45(f)(2) and (3) and Texas Health and Safety Code, §341.0315(c), by failing to provide a purchase water contract which authorizes the purchase of enough water to meet the monthly or annual needs of the purchaser and establishes the maximum rate at which water may be drafted on a daily and hourly basis; and 30 TAC §290.46(e)(2)(D), by failing to have an operator that has successfully completed at least one Executive Director-approved training course or event specific to the operations and maintenance of reverse osmosis; PENALTY: \$1,785; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$1,428; ENFORCEMENT COORDINATOR: Ronica Rodriguez Scott, (512) 239-2510; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(20) COMPANY: Texas Parks and Wildlife Department; DOCKET NUMBER: 2023-0840-PWS-E; IDENTIFIER: RN109122952; LOCATION: Bandera, Bandera County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.39(h)(3) and (j)(1)(A) and Texas Health and Safety Code, §341.0351, by failing to notify the Executive Director in writing as to the completion of a water works project and attest to the fact that the completed work

is substantially in accordance with the plans and specifications on file with the commission; PENALTY: \$1,000; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$800; ENFORCEMENT COORDINATOR: Ronica Rodriguez Scott, (512) 239-2510; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(21) COMPANY: The Dow Chemical Company f/k/a Performance Materials NA, Incorporated; DOCKET NUMBER: 2022-1109-AIR-E; IDENTIFIER: RN100542711; LOCATION: Orange, Orange County; TYPE OF FACILITY: chemical plant; RULES VIOLATED: 30 TAC §116.115(b)(2)(F) and (c) and §122.143(4), New Source Review Permit Number 20204, Special Conditions Number 1, Federal Operating Permit (FOP) Number O2055, General Terms and Conditions (GTC) and Special Terms and Conditions Number 13, and Texas Health and Safety Code (THSC), §382.085(b), by failing to comply with the maximum allowable emissions rate; and 30 TAC §122.143(4) and §122.145(2)(A), FOP Number O2055, GTC, and THSC, §382.085(b), by failing to report all instances of deviations; PENALTY: \$16,552; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$8,276; ENFORCEMENT COORDINATOR: Johnnie Wu, (512) 239-2524; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(22) COMPANY: TOR Texas, LLC; DOCKET NUMBER: 2023-1116-MSW-E; IDENTIFIER: RN111639829; LOCATION: Forney, Kaufman County; TYPE OF FACILITY: recycling center; RULES VIOLATED: 30 TAC §330.15(a) and (c) and §332.4(8), by failing to not cause, suffer, allow, or permit the unauthorized disposal of municipal solid waste; PENALTY: \$4,688; ENFORCEMENT COORDINATOR: Adriana Fuentes, (956) 430-6057; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, (956) 425-6010.

(23) COMPANY: Undine Texas Environmental, LLC; DOCKET NUMBER: 2024-1505-MWD-E; IDENTIFIER: RN101609832; LOCATION: Angleton, Brazoria County; TYPE OF FACILITY: wastewater treatment facility; RULE VIOLATED: 30 TAC §305.65, by failing to maintain authorization to discharge wastewater into or adjacent to any water in the state; PENALTY: \$9,000; ENFORCEMENT COORDINATOR: Madison Stringer, (512) 239-1126; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(24) COMPANY: Undine Texas Environmental, LLC; DOCKET NUMBER: 2024-1507-MWD-E; IDENTIFIER: RN101702470; LOCATION: Angleton, Brazoria County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: 30 TAC §305.65 and §305.125(2), by failing to maintain authorization to discharge wastewater into or adjacent to any water in the state; PENALTY: \$9,300; ENFORCEMENT COORDINATOR: Madison Stringer, (512) 239-1126; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(25) COMPANY: Wildorado Water Supply Corporation; DOCKET NUMBER: 2023-0416-PWS-E; IDENTIFIER: RN101187490; LOCATION: Wildorado, Oldham 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 for Well Number 2 that is covered with a 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 §290.42(l), by failing to compile and maintain a thorough and up-to-date plant operations manual for operator review and reference; 30 TAC §290.46(e)(4)(A) and Texas Health and Safety Code, §341.033(a), by failing to operate the facility under the direct supervision of a water works operator who holds an applicable, valid Class D or higher license issued by the executive director (ED); 30 TAC §290.46(f)(2) and (3)(A)(i)(III), by failing to maintain water

works operation and maintenance records and make them readily available for review by the ED upon request; 30 TAC §290.46(i), by failing to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted; 30 TAC §290.46(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)(1)(A), by failing to inspect the facility's ground storage tank and elevated storage tank annually; 30 TAC §290.46(s)(1), by failing to calibrate the facility's well meter for Well Number 2 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(t), by failing to post a legible sign at the facility's production, treatment, and storage facilities that contains the name of the facility and an emergency telephone number where a responsible official can be contacted; and 30 TAC §290.121(a) and (b), by failing to maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the facility will use to comply with the monitoring requirements; PENALTY: \$4,650; ENFORCEMENT COORDINATOR: Mason DeMasi, (210) 657-8425; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 492-3096.

TRD-202501405

Gitanjali Yadav

Deputy Director, Litigation Division

Texas Commission on Environmental Quality

Filed: April 29, 2025



Combined Notice of Public Meeting and Notice of Receipt of Application and Intent to Obtain Water Quality Permit (NORI) and Notice of Application and Preliminary Decision for TPDES Permit for Municipal Wastewater New Permit No. WQ0016390001

APPLICATION. Megatel Homes III, LLC, Tres Rios Properties, LLC, 2101 Cedar Springs Road, Suite 700, Dallas, Texas 75201, has applied to the Texas Commission on Environmental Quality (TCEQ) for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016390001, to authorize the discharge of treated domestic wastewater at an annual average flow not to exceed 1,330,000 gallons per day. TCEQ received this application on August 11, 2023.

This combined notice is being issued to include public meeting information and to revise the discharge route description provided in the revised combined notice issued on February 27, 2025.

The facility will be located approximately 2.5 miles southeast of the intersection of Algoa Friendswood Road and Farm-to-Market Road 517, in Galveston County, Texas 77511. The treated effluent will be discharged to **Gulf Coast Water Authority Canal G, thence to Galveston County Reservoir. During rare occurrences when the water in Galveston County Water Reservoir overtops its spillway, the discharge route is to Gulf Coast Water Authority Canal G, thence to Galveston County Water Reservoir, thence via spillway to Dickinson Bayou Tidal** in Segment 1103 of the San Jacinto-Brazos Coastal Basin. The unclassified receiving water use is high aquatic life use for Gulf Coast Water Authority Canal G. The designated uses for Segment No. 1103 are primary contact recreation and high aquatic life use. In accordance with 30 Texas Administrative Code §307.5 and the TCEQ's Procedures to Implement the Texas Surface Water Quality Standards

(June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in Gulf Coast Water Authority Canal G, which has been identified as having high aquatic life uses. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received. This link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice. For the exact location, refer to the application.

<https://gisweb.tceq.texas.gov/LocationMapper/?marker=-95.12989,29.408238&level=18>

The TCEQ Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements.

ALTERNATIVE LANGUAGE NOTICE. Alternative language notice in Spanish is available at <https://www.tceq.texas.gov/permitting/wastewater/plain-language-summaries-and-public-notices>. El aviso de idioma alternativo en español está disponible en <https://www.tceq.texas.gov/permitting/wastewater/plain-language-summaries-and-public-notices>.

PUBLIC COMMENT / PUBLIC MEETING. The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. A public meeting will be held and will consist of two parts, an Informal Discussion Period and a Formal Comment Period. A public meeting is not a contested case hearing under the Administrative Procedure Act. During the Informal Discussion Period, the public will be encouraged to ask questions of the applicant and TCEQ staff concerning the permit application. The comments and questions submitted orally during the Informal Discussion Period will not be considered before a decision is reached on the permit application and no formal response will be made. Responses will be provided orally during the Informal Discussion Period. During the Formal Comment Period on the permit application, members of the public may state their formal comments orally into the official record. A written response to all timely, relevant and material, or significant comments will be prepared by the Executive Director. All formal comments will be considered before a decision is reached on the permit application. A copy of the written response will be sent to each person who submits a formal comment or who requested to be on the mailing list for this permit application and provides a mailing address. Only relevant and material issues raised during the Formal Comment Period can be considered if a contested case hearing is granted on this permit application.

The Public Meeting is to be held:

Tuesday, June 10, 2025 at 7:00 p.m.

Dickinson Hall and Event Center

4132 East 27th Street

Dickinson, Texas 77539

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

OPPORTUNITY FOR A CONTESTED CASE HEARING. After the deadline for submitting public comments, the Executive Director

will consider all timely comments and prepare a response to all relevant material, or significant public comments. Unless the application is directly referred to a contested case hearing, the response to comments will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application. If comments are received, the mailing will also provide instructions for requesting a contested case hearing or reconsideration of the Executive Director's decision. A contested case hearing is a legal proceeding similar to a civil trial in a state district court.

TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST: your name, address, phone number; applicant's name and proposed permit number; the location and distance of your property/activities relative to the proposed facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; a list of all disputed issues of fact that you submit during the comment period; and the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify by name and physical address an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. **If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material water quality concerns submitted during the comment period.**

EXECUTIVE DIRECTOR ACTION. The Executive Director may issue final approval of the application unless a timely contested case hearing request or request for reconsideration is filed. If a timely hearing request or request for reconsideration is filed, the Executive Director will not issue final approval of the permit and will forward the application and request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

MAILING LIST. If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number; and/or (2) the mailing list for a specific county. If you wish to be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

All written public comments and public meeting requests must be submitted to the Office of the Chief Clerk, MC 105, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087 or electronically at www.tceq.texas.gov/goto/comment within 30 days from the date of newspaper publication of this notice or by the date of the public meeting, whichever is later.

INFORMATION AVAILABLE ONLINE. For details about the status of the application, visit the Commissioners' Integrated Database at www.tceq.texas.gov/goto/cid. Search the database using the permit number for this application, which is provided at the top of this notice.

AGENCY CONTACTS AND INFORMATION. Public comments and requests must be submitted either electronically at www.tceq.texas.gov/goto/comment, or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC 105, P.O. Box 13087, Austin, Texas 78711-3087. Any personal information you submit to the TCEQ will become part of the agency's record; this includes email addresses. For more information about this permit application or the permitting process, please call the TCEQ Public Education Program, Toll Free, at 1-800-687-4040 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 Megatel Homes III, LLC at the address stated above or by calling Ms. Laura Preston, P.E., Project Engineer, LJA Engineering, Inc, at (214) 442-6579, lpreston@lja.com.

Issuance Date: April 25, 2025

TRD-202501479

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: April 30, 2025



Enforcement Orders

An agreed order was adopted regarding TURLINGTON WATER SUPPLY CORPORATION, Docket No. 2023-0453-UTL-E on April 29, 2025 assessing \$510 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Allison Alt, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding LVMX Asphalt, LLC, Docket No. 2023-1643-AIR-E on April 29, 2025 assessing \$3,937 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting A'twar Wilkins, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-202501484

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: April 30, 2025



Notice of an Amendment to a Certificate of Adjudication Application No. 12788B

Notices Issued April 25, 2025

The City of Conroe, 401 Sgt. Ed Holcomb Blvd. South, Conroe, Texas 77305, seeks to amend Water Use Permit No. 12788, as amended, to authorize use of the bed and banks of Stewarts Creek and the West Fork San Jacinto River to convey up to an additional 13,450.64 acre-feet per year of groundwater-based return flows, which are discharged under new authorization, for subsequent diversion and use for municipal, industrial, and agricultural use in Montgomery County, add a diversion reach, and increase the maximum combined diversion rate to 129.630

cfs (58,333 gpm). More information on the application and how to participate in the permitting process is given below.

The application and fees were received on July 27, 2020. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on September 16, 2020.

The Executive Director has completed the technical review of the application and prepared a draft amendment. The draft amendment, if granted, would include special conditions, including, but not limited to, the continued applicability of specific special conditions in Water Use Permit No. 12788A to the additional return flows. The application, technical memoranda, and Executive Director's draft amendment are available for viewing on the TCEQ web page at: https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/wr-apps-pub-notice

Alternatively, you may request a copy of the documents by contacting the TCEQ Office of the Chief Clerk by phone at (512) 239-3300 or by mail at TCEQ OCC, Notice Team (MC-105), P.O. Box 13087, Austin, Texas 78711.

Written public comments and requests for a public meeting should be submitted to the Office of the Chief Clerk, at the address provided in the information section below, by May 28, 2025. A public meeting is intended for the taking of public comment and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

The TCEQ may grant a contested case hearing on this application if a written hearing request is filed by May 28, 2025. The Executive Director may approve the application unless a written request for a contested case hearing is filed by May 28, 2025.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions for the requested permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

If a hearing request is filed, the Executive Director will not issue the permit and will forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

Written hearing requests, public comments or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/> by entering WRPERM 12788 in the search field. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address.

For additional information, individual members of the general public may contact the Public Education Program at (800) 687-4040. General information regarding the TCEQ can be found at our web site at www.tceq.texas.gov. Si desea información en español, puede llamar al (800) 687-4040 o por el internet al <http://www.tceq.texas.gov>.

TRD-202501475

Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: April 30, 2025



Notice of Correction to Agreed Order Number 20

In the January 31, 2025, issue of the *Texas Register* (50 TexReg 674), the Texas Commission on Environmental Quality (commission) published notice of Agreed Orders, specifically Item Number 20, for TEXAS WATER SYSTEMS, INCORPORATED; Docket Number 2023-0694-PWS-E. The error is as submitted by the commission.

The reference to the penalty should be corrected to read: "\$6,161."

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

TRD-202501406
Gitanjali Yadav
Deputy Director, Litigation Division
Texas Commission on Environmental Quality
Filed: April 29, 2025



Notice of District Petition-D-03052025-007

Notice issued April 29, 2025

TCEQ Internal Control No. D-03052025-007: MC Gulf Coast, LP; A Delaware limited partnership, (Petitioner) filed a petition for creation of Montgomery County Municipal Utility District No. 257 (District) of Montgomery County with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, §59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioner holds fee simple title to a majority in value of the land to be included in the proposed District; (2) there are no lienholders on the property to be included in the proposed District; (3) the proposed District will contain approximately 179.268 acres located within Montgomery County, Texas; and (4) all of the land within the proposed District is wholly within the unincorporated portion of Montgomery County, Texas. The petition further states that the proposed District will: (1) purchase, construct, acquire, maintain, operate, repair, improve, and extend a waterworks and sanitary sewer system for residential and commercial purposes; (2) construct, acquire, improve, extend, maintain, and operate works, improvements, facilities, plants, equipment, and appliances helpful or necessary to provide more adequate drainage for the proposed District; (3) control, abate, and amend local storm waters or other harmful excesses of water; and (4) purchase, construct, acquire, improve, maintain, operate, and operation of such additional facilities, systems, plants and enterprises as shall be consonant with all of the purposes for which the proposed District is created. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioner that the cost of said project will be approximately \$50,750,000 (\$25,500,000 for water, wastewater, and drainage plus \$11,750,000 for roads plus \$13,500,000 for landscape).

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-202501480
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: April 30, 2025



Notice of District Petition-D-03172025-038

Notice issued April 25, 2025

TCEQ Internal Control No. D-03172025-038: MLCED KTV Caddo, LLC, a Texas limited liability company, (Petitioner) filed a petition for creation of Southard Farm Municipal Utility District No. 2 of Johnson 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 no lienholders on the property to be included in the proposed District; (3) the proposed District will contain approximately 284.317 acres located within Johnson County, Texas; and (4) all of the land within the proposed District is within the extraterritorial jurisdiction of the City of Burleson. The petition further states that the proposed District will: (1) purchase, construct, acquire, improve, or extend inside or outside of its boundaries any and all works, improvements, facilities, plants, equipment, and appliances necessary or helpful to supply and distribute water for municipal, domestic, and commercial purposes; (2) collect, transport, process, dispose of and control domestic and commercial wastes; (3) gather, conduct, divert, abate, amend, and control local storm water, or other local harmful excesses of water in the proposed District; (4) design, acquire, construct finance, improve, operate, and maintain macadamized, graveled, or paved roads and turnpikes, or improvements in aid of those roads:

and (5) purchase, construct, acquire, improve, or extend inside or outside of its boundaries such additional facilities, systems, plants, and enterprises as shall be consonant with all of the purposes for which the proposed District is created. Additionally, it is further proposed that the proposed District be granted road powers pursuant to Texas Water Code, Section 54.234. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioner that the cost of said project will be approximately \$66,000,000 (\$51,190,000 for water, wastewater, and drainage and \$14,810,000 for roads).

INFORMATION SECTION

To view the complete issued notice, view the notice on our website at www.tceq.texas.gov/agency/cc/pub_notice.html or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the website, type in the issued date range shown at the top of this document to obtain search results. The TCEQ may grant a contested case hearing on the petition if a written hearing request is filed within 30 days after the newspaper publication of the notice. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below. The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court. Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Review Team, at (512) 239-4691. Si desea información en español, puede llamar al (512) 239-0200. General information regarding TCEQ can be found at our website at www.tceq.texas.gov.

TRD-202501478

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: April 30, 2025



Notice of District Petition-D-03192025-039

Notice issued April 30, 2025

TCEQ Internal Control No. D-03192025-039: Lackland Massey RD Investments LLC, a Texas limited liability company, (Petitioner) filed a petition for creation of Massey Road Municipal Utility District No. 1 of Denton County (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, §59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the

Petitioner holds title to a majority in value of the land to be included in the proposed District; (2) there is one lienholder on the property to be included in the proposed District, Heritage Land Bank, FLCA, and the lienholder consents to the creation of the proposed District; (3) the proposed District will contain approximately 80.380 acres located within Denton County, Texas; and (4) all of the land within the proposed District is wholly within the exclusive extraterritorial jurisdiction of the City of Pilot Point, Denton County, Texas. The petition further states that the proposed District will: (1) purchase, construct, acquire, improve, and extend a waterworks and sanitary sewer system for residential and commercial purposes; (2) collect, transport, process, dispose of and control domestic and commercial wastes; (3) gather, conduct, divert, abate, amend and control local storm waters in the proposed District; (4) design, acquire, construct, finance, improve, operate and maintain macadamized graveled, or paved roads and turnpikes or improvements in aid of those roads; (5) purchase, construct, acquire, improve or extend inside or outside of its boundaries such additional facilities, systems, plants and enterprises as shall be consonant with the purpose 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 \$5,800,000.00.

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-202501482

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: April 30, 2025



Notice of District Petition-D-03282025-062

Notice issued April 25, 2025

TCEQ Internal Control No. D-03282025-062: Florence FM 970 Ventures, LLC, a Texas limited liability company, (Petitioner) filed a petition for creation of Northwest Williamson County Municipal Utility District No. 3 (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, JLE Investments, L.P., on the property to be included in the proposed District and information provided indicates that the lienholder consents to the creation of the proposed District; (3) the proposed District will contain approximately 161.67 acres located within Williamson County, Texas; and (4) the land within the proposed District is within the extraterritorial jurisdiction of the City of Florence. By Resolution No. 2025-04, passed and approved on January 7, 2025, the City of Florence, 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, design, construct, acquire, maintain, own, operate, repair, improve, and extend a waterworks and sanitary sewer system for residential and commercial purposes; (2) construct, acquire, improve, extend, maintain, and operate works, improvements, facilities, plants, equipment, and appliances helpful or necessary to provide more adequate drainage for the proposed District; (3) control, abate, and amend local storm waters or other harmful excesses of water; and (4) purchase, construct, acquire, maintain, own, operate, repair, improve, and extend such additional facilities, including roads, park and recreational facilities, systems, plants, and enterprises as shall be consonant with all of the purposes for which the proposed District is created. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioner that the cost of said project will be approximately \$48,200,000 (\$44,100,000 for water, wastewater, and drainage, \$3,400,000 for roads, and \$700,000 for recreational facilities).

INFORMATION SECTION

To view the complete issued notice, view the notice on our website at www.tceq.texas.gov/agency/cc/pub_notice.html or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the website, type in the issued date range shown at the top of this document to obtain search results. The TCEQ may grant a contested case hearing on the petition if a written hearing request is filed within 30 days after the newspaper publication of the notice. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below. The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing

is held, it will be a legal proceeding similar to a civil trial in state district court. Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address.

For additional information, individual members of the general public may contact the Districts Review Team, at (512) 239-4691. Si desea información en español, puede llamar al (512) 239-0200. General information regarding TCEQ can be found at our website at www.tceq.texas.gov.

TRD-202501477

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: April 30, 2025



Notice of District Petition-D-04012025-001

Notice issued April 30, 2025

TCEQ Internal Control No. D-04012025-001: Lawrence Falk, (Petitioner) filed a petition for creation of Waller County Municipal Utility District No. 71 (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, §59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioner holds title to a majority in value of the land to be included in the proposed District; (2) there are no lienholders on the property to be included in the proposed District; (3) the proposed District will contain approximately 124.901 acres located within Waller County, Texas; and (4) none of the land within the proposed District is wholly within the corporate limits or extraterritorial jurisdiction of any incorporated city, town or village. The petition further states that the proposed District will: (1) purchase, construct, acquire, maintain, own, operate, repair, improve, and extend a waterworks and sanitary sewer system for residential and commercial purposes; (2) construct, acquire, improve, extend, maintain, and operate works, improvements, facilities, plants, equipment, and appliances helpful or necessary to provide more adequate drainage for the proposed District; (3) control, abate, and amend local storm waters or other harmful excesses of water; and (4) purchase, construct, acquire, improve, maintain, and operation of such additional facilities, systems, plants and enterprises, road facilities and parks and recreational facilities, as shall be consistent with all of the purposes for which the proposed District is created. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioners that the cost of said project will be approximately \$29,500,000 (\$20,200,000 for water, wastewater, and drainage plus \$1,450,000 for recreation plus \$7,850,000 for roads).

INFORMATION SECTION

To view the complete issued notice, view the notice on our website at www.tceq.texas.gov/agency/cc/pub_notice.html or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the website, type in the issued date range shown at the top of this document to obtain search results. The TCEQ may grant a contested case hearing on the petition if a written hearing request is filed within 30 days after the newspaper publication of the notice. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioner and the TCEQ Internal Control Number;

(3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below. The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court. Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Review Team, at (512) 239-4691. Si desea información en español, puede llamar al (512) 239-0200. General information regarding TCEQ can be found at our website at www.tceq.texas.gov.

TRD-202501483

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: April 30, 2025



Notice of District Petition-D-04042025-025

Notice issued April 29, 2025

TCEQ Internal Control No. D-04042025-025: Austinmax Ventures, LLC (Petitioner) filed a petition for creation of Riata Creek Municipal Utility District No. 1 of Caldwell 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 no lienholders on the property to be included in the proposed District; (3) the proposed District will contain approximately 77.863 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: (1) purchase, construct, acquire, improve, or extend inside or outside of its boundaries any and all works, improvements, facilities, plants, equipment, and appliances necessary or helpful to supply and distribute water for municipal, domestic, and commercial purposes; (2) collect, transport, process, dispose of and control domestic, and commercial wastes; (3) gather, conduct, divert, abate, amend and control local storm water or other local harmful excesses of water in the proposed District; (4) design, acquire, construct, finance, improve, operate, and maintain macadamized, graveled, or paved roads and turnpikes, or improvements in aid of those roads; and, (5) purchase, construct, acquire, improve, or extend inside or outside its boundaries such additional facilities, systems, plants, and enterprises as shall be consonant with the purposes for which the proposed District is created. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioners that the cost of said project will be approximately \$9,300,000 (\$7,800,000 for water, wastewater, and drainage plus \$1,500,000 for roads).

INFORMATION SECTION

To view the complete issued notice, view the notice on our website at www.tceq.texas.gov/agency/cc/pub_notice.html or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the website, type in the issued date range shown at the top of this document to obtain search results. The TCEQ may grant a contested case hearing on the petition if a written hearing request is filed within 30 days after the newspaper publication of the notice. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below. The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court. Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Review Team, at (512) 239-4691. Si desea información en español, puede llamar al (512) 239-0200. General information regarding TCEQ can be found at our website at www.tceq.texas.gov.

TRD-202501481

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: April 30, 2025



Notice of District Petition-D-04112025-024

Notice issued April 25, 2025

TCEQ Internal Control No. D-04112025-024: Maxwell Settlement Trust, (Petitioner) filed a petition for creation of Hays County Municipal Utility District No. 12 (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, §59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioner holds title to a majority in value of the land to be included in the proposed District; (2) there are no lienholders on the property to be included in the proposed District; (3) the proposed District will contain approximately 301.952 acres located within Hays 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 design, construct, acquire, improve, extend, finance, and issue bonds to: (1) maintain, operate, and convey a waterworks and sanitary sewer system for domestic purposes; (2) maintain, operate, and convey works, improvements, facilities, plants, equipment, and appliances helpful or necessary to provide more adequate drainage for the proposed District

and control, abate, and amend local storm waters or other harmful excesses of water; (3) convey roads and improvements in aid of roads; and (4) maintain, operate, and convey such other additional facilities, systems, plants, and enterprises as may be consistent with any and 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 \$49,300,000 (\$35,500,000 for water and drainage and \$13,800,000 for roads).

INFORMATION SECTION

To view the complete issued notice, view the notice on our website at www.tceq.texas.gov/agency/cc/pub_notice.html or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the website, type in the issued date range shown at the top of this document to obtain search results. The TCEQ may grant a contested case hearing on the petition if a written hearing request is filed within 30 days after the newspaper publication of the notice. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below. The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court. Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Review Team, at (512) 239-4691. Si desea información en español, puede llamar al (512) 239-0200. General information regarding TCEQ can be found at our website at www.tceq.texas.gov.

TRD-202501476

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: April 30, 2025



Notice of Opportunity to Comment on an Agreed Order of Administrative Enforcement Actions

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Agreed Order (AO) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075, requires that before the commission may approve the AO, the commission shall allow the public an opportunity to submit written comments on the proposed AO. TWC, §7.075, requires that notice of the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which

the public comment period closes, which in this case is **June 10, 2025**. TWC, §7.075, also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A copy of the proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable regional office listed as follows. Written comments about an AO should be sent to the attorney designated for the AO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on June 10, 2025**. The designated attorney is available to discuss the AO and/or the comment procedure at the listed phone number; however, TWC, §7.075, provides that comments on an AO shall be submitted to the commission in **writing**.

(1) COMPANY: Commerce Sand & Select, LLC; DOCKET NUMBER: 2023-0710-WQ-E; TCEQ ID NUMBER: RN110639150; LOCATION: 5723 County Road 4317, Campbell, Hunt County; TYPE OF FACILITY: an aggregate production operation (APO); RULES VIOLATED: 30 TAC §342.25(d), by failing to renew the APO registration annually as regulated activities continued; and 30 TAC §281.25(a)(4), and 40 Code of Federal Regulations, §122.26(c), by failing to maintain authorization to discharge stormwater associated with industrial activities; PENALTY: \$29,375; STAFF ATTORNEY: William Hogan, Litigation, MC 175, (512) 239-5918; REGIONAL OFFICE: Dallas/Fort Worth Regional Office, 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

TRD-202501417

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: April 29, 2025



Notice of Water Quality Application - Minor Amendment WQ0016377001

The following notice was issued on April 22, 2025:

The following notice does not require publication in a newspaper. Written comments or requests for a public meeting may be submitted to the Office of the Chief Clerk, Mail Code 105, P.O. Box 13087, Austin, Texas 78711-3087 WITHIN (30) DAYS FROM THE DATE THIS NOTICE IS ISSUED.

INFORMATION SECTION

TB College Station Dev LLC has applied for a minor amendment to the Texas Pollutant Discharge Elimination System Permit No. WQ0016377001, to authorize the addition of an Interim phase with a daily average flow not to exceed 90,000 gallons per day. The existing permit authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 120,000 gallons per day. The facility will be located approximately 2,640 feet southeast of the intersection of Raymond Stotzer Parkway and Texas 47 Frontage Road, near the city of College Station, in Brazos County, Texas 77845.

TRD-202501473

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Notice of Water Use Application - ADJ 2822C

Notice Issued April 23, 2025

Artesian Ranch, LLC (Owner/Applicant) seeks to amend Certificate of Adjudication No. 12-2822 to change the authorized diversion reach on the Leon River, Brazos River Basin, add a diversion reach on the Leon River, and to change the place of use for agricultural purposes to irrigate a total of 2,097.121 acres of land in Comanche County. More information on the application and how to participate in the permitting process is given below.

The application was received on September 7, 2021, and partial fees were received on September 10, 2021. Additional fees were received on December 2, 2021. The application was declared administratively complete and filed with the Office of the Chief Clerk on December 3, 2021.

The Executive Director completed the technical review of the application and prepared a draft amendment. The draft amendment, if granted, would include special conditions, including but not limited to, requiring screens on any new diversion structure. The application, technical memoranda, and Executive Director's draft amendment are available for viewing on the TCEQ web page at: https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/view-wr-pend-apps. Alternatively, you may request a copy of the documents by contacting the TCEQ Office of the Chief Clerk by phone at (512) 239-3300 or by mail at TCEQ OCC, Notice Team (MC-105), P.O. Box 13087, Austin, Texas 78711.

Written public comments and requests for a public meeting should be submitted to the Office of the Chief Clerk, at the address provided in the information section below by May 7, 2025. A public meeting is intended for the taking of public comment and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

TCEQ may grant a contested case hearing on this application if a written hearing request is filed by May 7, 2025. The Executive Director can consider approval of the application unless a written request for a contested case hearing is filed by May 7, 2025.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions for the requested permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

If a hearing request is filed, the Executive Director will not issue the permit and will forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

Written hearing requests, public comments, or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/> by entering ADJ 2822 in the search field. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Public Education Program at (800) 687-4040. General information regarding the TCEQ can be found at our web site at www.tceq.texas.gov. Si desea información en español, puede llamar al (800) 687-4040 o por el internet al <http://www.tceq.texas.gov>.

TRD-202501474

Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: April 30, 2025

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Texas Facilities Commission

Request for Proposals #303-6-20791

The Texas Facilities Commission (TFC), on behalf of the Office of the Attorney General- Child Support Division (OAG-CSD), announces the issuance of Request for Proposals (RFP) # 303-6-20791. TFC seeks a five (5) or seven (7) year lease of approximately 5,074 square feet of office space in Belton, Harker Heights, or Nolanville, Texas.

The deadline for questions is May 20, 2025, and the deadline for proposals is June 10, 2025, at 3:00 p.m. The award date is August 21, 2025. TFC reserves the right to accept or reject any or all proposals submitted. TFC is under no legal or other obligation to execute a lease on the basis of this notice or the distribution of a RFP. Neither this notice nor the RFP commits TFC to pay for any costs incurred prior to the award of a grant.

Parties interested in submitting a proposal may obtain information by contacting Samantha De Leon at samantha.deleon@tfc.texas.gov. A copy of the RFP may be downloaded from the Electronic State Business Daily at <https://www.txsmartbuy.gov/esbd/303-6-20791>.

TRD-202501404
Amanda Brainard
State Leasing Services Acting Director
Texas Facilities Commission
Filed: April 29, 2025

◆ ◆ ◆
General Land Office

Coastal Boundary Survey - City of Port Lavaca, A-254, Calhoun County - Blaskey

Surveying Services

Coastal Boundary Survey

Project: City of Port Lavaca, A-254, Calhoun County - Blaskey

Project No: Project Number SWG-2024-00114

Project Manager: Amy Nunez, Dianna Ramirez, Coastal Field Operations.

Surveyor: Stephen C. Blaskey, Licensed State Land Surveyor

Description: Coastal Boundary Survey of a portion of the littoral boundary of the City of Port Lavaca, Abstract 254, and of the Alejandro Esparza, Abstract 12, along the line of Mean High Water, situated

on the westerly shore of Lavaca Bay in Calhoun County, Texas, in connections with Number SWG-2024-00114. Centroid coordinates 28.616031° N, 96.622778° W, WGS84. A copy of the survey has been filed Instrument: 2025-00529, Official Records of Calhoun County, Texas

A Coastal Boundary Survey for the above-referenced project has been reviewed and accepted by Surveying Services; upon completion of public notice requirements, the survey will be filed in the Texas General Land Office, Archives and Records, in accordance with provisions of the Tex. Nat. Res. Code §33.136.

by:

Signed: David Klotz, Staff Surveyor

Date: April 15, 2025

Pursuant to Tex. Nat. Res. Code §33.136, the herein described Coastal Boundary Survey is approved by Dawn Buckingham, M.D., Commissioner of the Texas General Land Office.

by:

Signed: Jennifer Jones, Chief Clerk and Deputy Land Commissioner

Date: April 23, 2025

Filed as: Galveston County, NRC Article 33.136 Sketch No. 100

Tex. Nat. Res. Code §33.136

TRD-202501354

Jennifer Jones

Chief Clerk and Deputy Land Commissioner

General Land Office

Filed: April 25, 2025



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

On January 10, 1997, the State of Texas received federal approval of the Coastal Management Program (CMP) (62 *Federal Register* pp. 1439 - 1440). Under federal law, federal agency activities and actions affecting the Texas coastal zone must be consistent with the CMP goals and policies identified in 31 TAC Chapter 26. Requests for federal consistency review were deemed administratively complete for the following project(s) during the period of April 21, 2025 to April 28, 2025. As required by federal law, the public is given an opportunity to comment on the consistency of proposed activities in the coastal zone undertaken or authorized by federal agencies. Pursuant to 31 TAC §§30.20(f), 30.30(h), and 30.40(e), the public comment period extends 30 days from the date published on the Texas General Land Office web site. The notice was published on the web site on Friday, May 2, 2025. The public comment period for this project will close at 5:00 p.m. on Sunday, June 1, 2025.

Federal License and Permit Activities:

Applicant: Texas Connector Pipeline, LLC

Location: The pipeline is proposed to originate southeast of Keith Lake and to extend north to a terminus east of the Neches River and south of Beaumont, in Orange County, Texas. The pipeline route will cross the Gulf Intracoastal Waterway (GIWW), Taylor Bayou, Big Hill Bayou, the Sabine Neches Waterway (SNWW), and Hillebrandt Bayou.

Latitude and Longitude:

Starting point (NAD 83): Latitude: 29.758237, -93.978950

Ending point (NAD 83): Latitude: 30.067618, -93.978950

Project Description: The applicant proposes to construct a 42-inch natural gas pipeline system to provide feed gas to the Port Arthur LNG (PALNG) terminal facility. Access roads, support facilities, staging areas, and temporary workspaces are also proposed along the pipeline route. The pipeline is proposed to be installed by open cut trench and by horizontal directional drill (HDD) in specified segments. The pipeline route will cross under the GIWW, Taylor Bayou, Big Hill Bayou, the SNWW, and Hillebrandt Bayou by HDD. Top soil excavated from the trench during open cut excavation will be side cast adjacent to the trench, and segregated so it can be replaced after the pipeline is installed. Temporary work spaces and staging areas are proposed to be returned to pre-construction contours after construction is complete.

A segment of Big Hill Bayou is proposed to be dredged as an access route to transport HDD equipment. Approximately 119,717 cubic yards of native material along Big Hill Bayou is proposed to be mechanically dredged with a bucket dredge and/or marsh buggy excavator. The dredged material will be placed adjacent to the shoreline for beneficial use (BU) to reestablish the previous bank line of the bayou. The site will be allowed to revegetate naturally with native vegetation with the intent to create emergent marsh habitat consistent with the adjacent marsh. TXCPL does not propose planting or long term monitoring of the BU site. No maintenance dredging is proposed for the project. TXCPL proposes to compensate for all permanent wetland impacts by purchasing the required wetland mitigation credits from an approved mitigation bank.

Type of Application: U.S. Army Corps of Engineers permit application #SWG-2025-00115. 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 Railroad Commission of Texas Commission as part of its certification under §401 of the Clean Water Act. The U.S. Army Corps of Engineers Galveston District has found that this permit request meets the terms of Executive Order 14156 and is therefore subject to special emergency permitting procedures and an expedited review process.

CMP Project No: 25-1189-F1

Applicant: TGS Cedar Port Partners, LP

Location: project site is located in Cedar Bayou, approximately 0.45-mile southwest of the intersection of Borusan Road and County Road 1405, in Baytown, Chambers County, Texas.

Latitude and Longitude: 29.702566, -94.921230

Project Description: The applicant proposes to permanently discharge fill material into one palustrine emergent wetland (Wetland 1) totaling 0.03 acre and one estuarine emergent wetland (Wetland 7) totaling 7.06 acres for the purpose of expanding an existing storage lot. Additionally, the applicant proposes to mechanically and/or hydraulically dredge 26,000 cubic yards of material from two estuarine emergent wetlands (Wetland 6 and Wetland 7) totaling 0.42 acres to a maximum depth of -16.28 feet mean high water (-15 feet mean lower low water) to match the depth of the new federal channel. The applicant's remaining dredge footprint will be conducted by the Corps as part of the Cedar Bayou Channel Improvement Project. The dredge material will be placed in one or more of the following dredge material placement areas (DMPAs): DMPAs 6, 14, 15, Targa, Texas Deepwater, Adloy, Avera, Boaz Island, or Midbay as depicted on the project plans. The applicant is proposing to mitigate for the permanent loss of waters of the U.S. by purchasing credits from an approved mitigation bank or performing onsite, in-kind mitigation.

Type of Application: U.S. Army Corps of Engineers permit application #SWG-2020-00632. This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. Note: The consistency review for this project may be conducted by Texas Commission on Environmental Quality as part of its certification under §401 of the Clean Water Act.

CMP Project No: 25-1191-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-202501400

Jennifer Jones

Chief Clerk and Deputy Land Commissioner

General Land Office

Filed: April 28, 2025

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Department of State Health Services

Licensing Actions for Radioactive Materials

During the first half of March 2025, the Department of State Health Services (Department) has taken actions regarding Licenses for the possession and use of radioactive materials as listed in the tables (in alphabetical order by location). The subheading "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout TX [Texas]" indicates that the radioactive material may be used on a temporary basis at locations throughout the state.

In issuing new licenses and amending and renewing existing licenses, the Department's Radiation Section has determined that the applicant has complied with the licensing requirements in Title 25 Texas Administrative Code (TAC), Chapter 289, for the noted action. In granting termination of licenses, the Department has determined that the licensee has complied with the applicable decommissioning requirements of 25 TAC, Chapter 289. In granting exemptions to the licensing requirements of Chapter 289, the Department has determined that the exemption is not prohibited by law and will not result in a significant risk to public health and safety and the environment.

A person affected by the actions published in this notice may request a hearing within 30 days of the publication date. A "person affected" is defined as a person who demonstrates that the person has suffered or will suffer actual injury or economic damage and, if the person is not a local government, is (a) a resident of a county, or a county adjacent to the county, in which radioactive material is or will be located, or (b) doing business or has a legal interest in land in the county or adjacent county. 25 TAC §289.205(b)(15); Health and Safety Code §401.003(15). Requests must be made in writing and should contain the words "hearing request," the name and address of the person affected by the agency action, the name and license number of the entity that is the subject of the hearing request, a brief statement of how the person is affected by the action what the requestor seeks as the outcome of the hearing, and the name and address of the attorney if the requestor is represented by an attorney. Send hearing requests by mail to: Hearing Request, Radioactive Material Licensing, MC 2835, PO Box 149347, Austin, Texas 78714-9347, or by fax to: (512) 206-3760, or by e-mail to: RAMlicensing@dshs.texas.gov.

NEW LICENSES ISSUED:

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amend -ment Number	Date of Action
THROUGHOUT TX	SELECT WATER SOLUTIONS LLC	L07259	GAINESVILLE	00	03/11/25

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
ADDISON	TEXAS CENTER FOR INTERVENTIONAL SURVERY LLC	L07062	ADDISON	06	03/03/25
ANGLETON	TELIX ISOTHERAPEUTICS GROUP INC	L05969	ANGLETON	58	03/04/25
AUSTIN	ST DAVIDS HEART & VASCULAR PLLC	L04623	AUSTIN	110	03/11/25
BROWNWOOD	HENDRICK MEDICAL CENTER BROWNWOOD	L02322	BROWNWOOD	75	03/13/25
CONROE	CHCA CONROE LP DBA HCA HOUSTON HEALTHCARE CONROE	L01769	CONROE	112	03/07/25
CORPUS CHRISTI	VELRO REFINING-TEXAS LP	L03360	CORPUS CHRISTI	40	03/05/25
DALLAS	PRESBYTERIAN CANCER CENTER - DALLAS LLC	L06056	DALLAS	18	03/06/25
DALLAS	UT SOUTHWESTERN MEDICAL CENTER	L06663	DALLAS	27	03/04/25
DALLAS	RLS (USA) INC	L05529	DALLAS	64	03/10/25
EL PASO	TEXAS ONCOLOGY PA DBA EL PASO CANCER TREATMENT CENTER - EAST	L05771	EL PASO	21	03/07/25
EL PASO	TENET HOSPITALS LIMITED DBA THE HOSPITALS OF PROVIDENCE EAST CAMPUS	L06152	EL PASO	45	03/14/25

AMENDMENTS TO EXISTING LICENSES ISSUED: (continued)

FLOWER MOUND	TEXAS ONCOLOGY PA	L05502	FLOWER MOUND	28	03/13/25
FORT WORTH	FORT WORTH HEART PA	L05480	FORT WORTH	56	03/05/25
FORT WORTH	TEXAS ONCOLOGY PA	L05545	FORT WORTH	83	03/14/25
FORT WORTH	TARRANT COUNTY HOSPITAL DISTRICT DBA JPS HEALTH NETWORK	L02208	FORT WORTH	97	03/04/25
FORT WORTH	TEXAS HEALTH HARRIS METHODIST HOSPITAL FORT WORTH	L01837	FORT WORTH	168	03/10/25
FORT WORTH	TEXAS HEALTH HARRIS METHODIST HOSPITAL FORT WORTH	L01837	FORT WORTH	169	03/13/25
FREEPORT	BRASKEM AMERICA INC	L06443	FREEPORT	13	03/04/25
HOUSTON	MEMORIAL AMBULATORY SURGERY CENTER LLC	L07161	HOUSTON	01	03/11/25
HOUSTON	TENARIS BAY CITY INC	L06876	HOUSTON	01	03/04/25
HOUSTON	SPECTRACELL LABORATORIES INC	L04617	HOUSTON	26	03/11/25
HOUSTON	THE UNIVERSITY OF TEXAS MD ANDERSON CANCER CENTER	L06366	HOUSTON	27	03/12/25
HOUSTON	RADIOMEDIX INC	L06044	HOUSTON	35	03/11/25
HOUSTON	MEMORIAL HERMANN MEDICAL GROUP	L06430	HOUSTON	55	03/11/25

AMENDMENTS TO EXISTING LICENSES ISSUED: (continued)

JACKSONVILLE	JACKSONVILLE HOSPITAL LLC DBA UT HEALTH EAST TEXAS JACKSONVILLE HOSPITAL	L06962	JACKSONVILLE	03	03/13/25
LA GRANGE	LOWER COLORADO RIVER AUTHORITY	L02738	LA GRANGE	65	03/13/25
ODESSA	BIG BEND MEDICAL GROUP DBA ODESSA MEDICAL GROUP	L06746	ODESSA	03	03/11/25
ODESSA	BIG BEND MEDICAL GROUP DBA ODESSA MEDICAL GROUP	L05628	ODESSA	08	03/11/25
PLANO	TEXAS HEART HOSPITAL OF THE SOUTHWEST LLC DBA BAYLOR SCOTT & WHITE THE HEART HOSPITAL- PLANO	L06004	PLANO	37	03/03/25
SAN ANTONIO	METHODIST HEALTHCARE SYSTEM OF SAN ANTONIO LTD LLP	L00594	SAN ANTONIO	394	03/11/25
SHERMAN	HERITAGE PARK SURGICAL HOSPITAL LLC DBA BAYLOR SCOTT & WHITE SURGICAL HOSPITAL AT SHERMAN	L07123	SHERMAN	02	03/07/25
STAFFORD	ALOKI ENTERPRISE INC	L06257	STAFFORD	66	03/13/25
SUGAR LAND	TMH PHYSICIAN ORGANIZATION DBA METHODIST SUGAR LAND CARDIOLOGY ASSOCIATES	L06575	SUGAR LAND	07	03/14/25

AMENDMENTS TO EXISTING LICENSES ISSUED: (continued)

SUGAR LAND	METHODIST HEALTH CENTERS DBA HOUSTON METHODIST SUGAR LAND HOSPITAL	L05788	SUGAR LAND	65	03/14/25
THROUGHOUT TX	PROFRAC SERVICES LLC	L06808	CISCO	11	03/06/25
THROUGHOUT TX	TERRADYNE ENGINEERING INC	L06525	EULESS	11	03/07/25
THROUGHOUT TX	WOLVERINE OILFIELD TECHNOLOGIES LLC	L07011	HOUSTON	01	03/07/25
THROUGHOUT TX	CARDIONAVIX LLC	L06984	HOUSTON	04	03/12/25
THROUGHOUT TX	DAE & ASSOCIATES LTD DBA GEOTECH ENGINEERING AND TESTING	L03923	HOUSTON	33	03/06/25
THROUGHOUT TX	MEMORIAL HERMANN HEALTH SYSTEM	L03772	HOUSTON	185	03/06/25
THROUGHOUT TX	KLEINFELDER INC	L06960	IRVING	16	03/07/25
THROUGHOUT TX	OBPRIME INSPECTIONS INC	L07122	KATY	08	03/12/25
THROUGHOUT TX	TECHCORR USA MANAGEMENT LLC	L05972	PASADENA	137	03/14/25
THROUGHOUT TX	TEXAS ONCOLOGY PA	L06759	SAN ANTONIO	14	03/11/25

RENEWAL OF LICENSES ISSUED:

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
ANDREWS	ANDREWS COUNTY HOSPITAL DISTRICT PERMIAN REGIONAL MEDICAL CENTER	L03158	ANDREWS	31	03/13/25
DALLAS	BAYLOR UNIVERSITY MEDICAL CENTER	L01290	DALLAS	154	03/12/25
FLOWER MOUND	HEALTHTEXAS PROVIDER NETWORK DBA BAYLOR SCOTT & WHITE CARDIOVASCULAR CONSULTANTS	L06700	FLOWER MOUND	04	03/11/25
PARIS	TEXAS ONCOLOGY PA	L04664	PARIS	36	03/04/25
PLANO	BAYLOR REGIONAL MEDICAL CENTER AT PLANO BAYLOR SCOTT & WHITE MEDICAL CENTER – PLANO	L05844	PLANO	26	03/05/25
SAN ANTONIO	ALAMO FELINE HEALTH CENTER PA	L05752	SAN ANTONIO	09	03/11/25
THROUGHOUT TX	ECS SOUTHWEST LLP	L06693	HOUSTON	14	03/14/25
THROUGHOUT TX	GEOTECHNICAL CONSULTANTS INC	L04819	SAN ANTONIO	15	03/04/25

TERMINATIONS OF LICENSES ISSUED:

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amend -ment Number	Date of Action
IRVING	HEALTHCARE ASSOCIATES OF IRVING PLLC	L05371	IRVING	21	03/11/25
ORANGE	INTERNATIONAL PAPER COMPANY	L06932	ORANGE	06	03/05/25

TRD-202501329
Cynthia Hernandez
General Counsel, Department of State Health Services
Department of State Health Services
Filed: April 23, 2025

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Licensing Actions for Radioactive Materials

During the second half of March 2025, the Department of State Health Services (Department) has taken actions regarding Licenses for the possession and use of radioactive materials as listed in the tables (in alphabetical order by location). The subheading "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout TX [Texas]" indicates that the radioactive material may be used on a temporary basis at locations throughout the state.

In issuing new licenses and amending and renewing existing licenses, the Department's Radiation Section has determined that the applicant has complied with the licensing requirements in Title 25 Texas Administrative Code (TAC), Chapter 289, for the noted action. In granting termination of licenses, the Department has determined that the licensee has complied with the applicable decommissioning requirements of 25 TAC, Chapter 289. In granting exemptions to the licensing requirements of Chapter 289, the Department has determined that the exemption is not prohibited by law and will not result in a significant risk to public health and safety and the environment.

A person affected by the actions published in this notice may request a hearing within 30 days of the publication date. A "person affected" is defined as a person who demonstrates that the person has suffered or will suffer actual injury or economic damage and, if the person is not a local government, is (a) a resident of a county, or a county adjacent to the county, in which radioactive material is or will be located, or (b) doing business or has a legal interest in land in the county or adjacent county. 25 TAC §289.205(b)(15); Health and Safety Code §401.003(15). Requests must be made in writing and should contain the words "hearing request," the name and address of the person affected by the agency action, the name and license number of the entity that is the subject of the hearing request, a brief statement of how the person is affected by the action what the requestor seeks as the outcome of the hearing, and the name and address of the attorney if the requestor is represented by an attorney. Send hearing requests by mail to: Hearing Request, Radioactive Material Licensing, MC 2835, PO Box 149347, Austin, Texas 78714-9347, or by fax to: (512) 206-3760, or by e-mail to: RAMlicensing@dshs.texas.gov.

NEW LICENSES ISSUED:

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amend -ment Number	Date of Action
DALLAS	CONNECTED CARDIOVASCULAR CARE ASSOCIATES PLLC	L07620	DALLAS	00	03/12/25

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amend -ment Number	Date of Action
AMARILLO	TEXAS ONCOLOGY PA	L06149	AMARILLO	15	03/18/25
AUSTIN	TEXAS ONCOLOGY	L06206	AUSTIN	29	03/31/25
AUSTIN	THE UNIVERSITY OF TEXAS AT AUSTIN	L00485	AUSTIN	102	03/31/25
BAYTOWN	SPECIALTY ASSOCIATES OF WEST HOUSTON PLLC DBA HOUSTON HEART	L07189	BAYTOWN	02	03/25/25
BAYTOWN	EXXON MOBIL CORPORATION DBA EXXONMOBIL CHEMICAL COMPANY	L01135	BAYTOWN	100	03/28/25
BORGER	SOLVAY SPECIALTY POLYMERS USA LLC	L06719	BORGER	04	03/28/25
CARROLLTON	TEXTERRA ENGINEERING LLC	L06689	CARROLLTON	12	03/26/25
CARROLLTON	JUBILANT DRAXIMAGE INC	L06943	CARROLLTON	21	03/18/25

AMENDMENTS TO EXISTING LICENSES ISSUED: (continued)

CORPUS CHRISTI	CHRISTUS SPOHN HEALTH SYSTEM CORPORATION DBA CHRISTUS SPOHN HOSPITAL CORPUS CHRISTI – SHORELINE & SOUTH	L02495	CORPUS CHRISTI	149	03/28/25
CYPRESS	CYPRESS HEART AND VASCULAR CENTER PLLC	L07163	CYPRESS	04	03/18/25
CYPRESS	HEALTHTEXAS PROVIDER NETWORK	L06582	CYPRESS	18	03/18/25
CYPRESS	HOUSTON INTERVENTIONAL CARDIOLOGY PA	L05470	CYPRESS	20	03/24/25
DENISON	UHS OF TEXOMA INC	L01624	DENISON	76	03/31/25
EL PASO	BHS PHYSICIANS NETWORK INC DBA CENTER OF THE HEART – A PROVIDENCE	L06893	EL PASO	13	03/17/25
EL PASO	BHS PHYSICIANS NETWORK INC DBA CENTER OF THE HEART – A PROVIDENCE	L05695	EL PASO	16	03/21/25
EL PASO	TENET HOSPITALS LIMITED DBA THE HOPITALS OF PROVIDENCE SIERRA CAMPUS	L02365	EL PASO	130	03/21/25
EL PASO	TENET HOSPITALS LIMITED DBA THE HOSPITALS OF PROVIDENCE MEMORIAL CAMPUS	L02353	EL PASO	159	03/24/25

AMENDMENTS TO EXISTING LICENSES ISSUED: (continued)

FORT WORTH	DARREN LACKAN MD PA DBA DIABETES AND THYROID CENTER OF FORT WORTH	L06074	FORT WORTH	09	03/21/25
FORT WORTH	ONCOLOGY HEMATOLOGY CONSULTANTS PA DBA THE CENTER FOR CANCER AND BLOOD DISORDERS	L05919	FORT WORTH	38	03/27/25
GARLAND	TELEDYNE MICROPAC INC	L06376	GARLAND	06	03/25/25
HOUSTON	HOUSTON METRO UROLOGY PA	L06699	HOUSTON	05	03/21/25
HOUSTON	SOUTH HAMPTON MEDICAL IMAGING LLC	L06319	HOUSTON	06	03/18/25
HOUSTON	CARDIAC INTERVENTION SPECIALISTS PA	L06466	HOUSTON	07	03/24/25
HOUSTON	METHODIST HEALTH CENTERS DBA HOUSTON METHODIST WILLOWBROOK HOSPITAL	L05472	HOUSTON	79	03/25/25
HOUSTON	BAYLOR COLLEGE OF MEDICINE	L00680	HOUSTON	135	03/26/25
HUMBLE	CARDIOVASCULAR ASSOCIATION PLLC	L05421	HUMBLE	39	03/17/25
KATY	VISURAY LLC	L07235	KATY	02	03/17/25
LAREDO	LAREDO REGIONAL MEDICAL CENTER LP DBA DOCTORS HOSPITAL OF LAREDO	L02192	LAREDO	55	03/24/25

AMENDMENTS TO EXISTING LICENSES ISSUED: (continued)

LUBBOCK	LUBBOCK COUNTY HOSPITAL DISTRICT OF LUBBOCK COUNTY TEXAS	L04719	LUBBOCK	180	03/27/25
MESQUITE	TEXAS ONCOLOGY PA DBA TEXAS CANCER CENTER MESQUITE	L05741	MESQUITE	22	03/18/25
MIDLAND	ANAND CHOLIA MD PA DBA WEST TEXAS HEART CENTER	L06233	MIDLAND	04	03/25/25
MIDLAND	MIDLAND COUNTY HOSPITAL DISTRICT DBA MIDLAND MEMORIAL HOSPITAL	L00728	MIDLAND	132	03/28/25
NACOGDOCHES	SHARED MEDICAL SERVICES INC	L06142	NACOGDOCH ES	47	03/24/25
PASADENA	CHCA BAYSHORE LP DBA HCA HOUSTON HEALTHCARE SOUTHEAST	L00153	PASADENA	110	03/18/25
PLANO	HEALTHTEXAS PROVIDER NETWORK DBA BAYLOR SCOTT & WHITE THE HEART GROUP	L06501	PLANO	22	03/25/25
SAN ANTONIO	ALAMO FELINE HEALTH CENTER PA	L05752	SAN ANTONIO	10	03/17/25
SAN ANTONIO	VHS SAN ANTONIO IMAGING PARTNERS LP DBA BAPTIST M&S IMAGING CENTER	L04506	SAN ANTONIO	104	03/27/25

AMENDMENTS TO EXISTING LICENSES ISSUED: (continued)

THROUGHOUT TEXAS	TEXAS DEPARTMENT OF TRANSPORTATION	L00197	AUSTIN	208	03/17/25
THROUGHOUT TX	ESCOT NDE INC	L05002	CORPUS CHRISTI	38	03/28/25
THROUGHOUT TX	ECS SOUTHWEST LLP	L07073	FORT WORTH	08	03/17/25
THROUGHOUT TX	HOUSTON POLICE DEPARTMENT	L06809	HOUSTON	06	03/31/25
THROUGHOUT TX	AEGEUS INSPECTION SOLUTIONS INC	L06555	HOUSTON	14	03/20/25
THROUGHOUT TX	HAIMO AMERICA INC	L06936	HOUSTON	15	03/21/25
THROUGHOUT TX	AEGEUS INSPECTION SOLUTIONS INC	L06555	HOUSTON	15	03/21/25
THROUGHOUT TX	PHOENIX MECHANICAL INTEGRITY SERVICES	L06787	HOUSTON	16	03/25/25
THROUGHOUT TX	WSB	L06986	MELISSA	13	03/21/25
THROUGHOUT TX	SONIC SURVEYS LTD	L02622	MONT BELVIEU	37	03/17/25
THROUGHOUT TX	TURNER SPECIALTY SERVICES LLC	L05417	NEDERLAND	61	03/28/25
THROUGHOUT TX	NCS MULTISTAGE LLC	L06361	ODESSA	21	03/31/25
THROUGHOUT TX	STRONGHOLD INSPECTION LTD	L06918	PASADENA	13	03/25/25
TYLER	TYLER REGIONAL HOSPITAL LLCDBA UT HEALTH EAST TEXAS TYLER REGIONAL HOSPITAL	L06973	TYLER	12	03/17/25
UVALDE	UVALDE COUNTY HOSPITAL AUTHORITY DBA UVALDE MEMORIAL HOSPITAL	L03327	UVALDE	29	03/18/25

RENEWAL OF LICENSES ISSUED:

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amend -ment Number	Date of Action
THE WOODLANDS	ST LUKES COMMUNITY HEALTH SERVICES	L05763	THE WOODLANDS	39	03/25/25
THROUGHOUT TX	TOLUNAY-WONG ENGINEERS INCORPORATED	L04848	HOUSTON	31	03/28/25
WESLACO	KNAPP MEDICAL CENTER	L03290	WESLACO	56	03/18/25

TERMINATIONS OF LICENSES ISSUED:

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amend -ment Number	Date of Action
COMMERCE	TEXAS A&M UNIVERSITY - COMMERCE	L00604	COMMERCE	43	03/18/25
THROUGHOUT TX	DIALOG WIRELINE SERVICES LLC	L06104	KILGORE	22	03/17/25

TRD-202501486
Cynthia Hernandez
General Counsel
Department of State Health Services
Filed: April 30, 2025

Texas Department of Insurance

Notice of Rate Filing

Texas Automobile Insurance Plan Association

Description:

On April 21, 2025, the Texas Automobile Insurance Plan Association (TAIPA) filed a request to charge new insurance rates for private passenger auto and commercial auto coverage. The filed rates represent a 4.1% increase in private passenger automobile rates and a 1.7% increase in commercial automobile rates. TAIPA proposed an effective date of October 1, 2025, for new and renewal business.

The commissioner of insurance will review the filing to determine whether TAIPA's proposed rates are just, reasonable, adequate, not excessive, not confiscatory, and not unfairly discriminatory for the risks covered, as required by Insurance Code §2151.201. TAIPA's

proposed rates must also be sufficient to carry all claims to maturity and meet the expenses incurred in writing and servicing the business.

TAIPA's average proposed rate changes by coverage do not exceed 5%, so a hearing is not required by Insurance Code §2151.2041.

In accordance with Insurance Code §2151.2022(c), the commissioner has extended the period by which the filing must be approved or disapproved by 30 days. The filing must be approved or disapproved no later than June 20, 2025.

To Review, Request Copies, and Comment:

To review or get copies of TAIPA's rate filing:

Online: Go to www.tdi.texas.gov/rules/2025/exrules.html.

In person: You can review the filing at the Texas Department of Insurance, Office of the Chief Clerk, 1601 Congress Ave, Austin, Texas 78701. To schedule a time to review the materials in person, please email ChiefClerk@tdi.texas.gov.

By mail: Write to the Texas Department of Insurance, Office of the Chief Clerk, MC: GC-CCO, P.O. Box 12030, Austin, Texas 78711-2030.

To comment on the rate filing, send written comments by email to ChiefClerk@tdi.texas.gov or by mail to the Texas Department of Insurance, Office of the Chief Clerk, MC: GC-CCO, P.O. Box

12030, Austin, Texas 78711-2030. Hand-delivered comments must be directed to the Texas Department of Insurance, Office of the Chief Clerk, 1601 Congress Ave., Austin, Texas 78701, and can be delivered during regular business hours. Your comments must be received by 5:00 p.m., central time, on May 21, 2025.

TRD-202501403

Jessica Barta

General Counsel

Texas Department of Insurance

Filed: April 28, 2025



Texas Department of Licensing and Regulation

Notice of Vacancy on Behavior Analyst Advisory Board

The Texas Department of Licensing and Regulation (Department) announces one vacancy on the Behavior Analyst Advisory Board (Board) established by Texas Occupations Code, Chapter 506. The Board provides advice and recommendations to the Texas Commission of Licensing and Regulation (Commission) in adopting rules, administering and enforcing the Occupations Code covering Behavior Analysts, and setting fees. The Board meets at the call of the presiding officer of the Commission or the executive director of the Department. **This announcement is for:**

- one licensed behavior analyst.

The Board consists of nine members appointed by the presiding officer of the Commission, with the approval of the Commission. Members serve staggered six-year terms with the terms of three members expiring on February 1 of each odd-numbered year. A member may not serve more than two consecutive six-year terms. The Board is composed of the following members:

1. four licensed behavior analysts, at least one of whom must be certified as a Board-Certified Behavior Analyst--Doctoral or holds an equivalent certification issued by the certifying entity;
2. one licensed assistant behavior analyst;
3. one physician who has experience providing mental health or behavioral health services; and
4. three members who represent the public and who are either former recipients of applied behavior analysis services or the parent or guardian of a current or former recipient of applied behavior analysis services.

Interested persons should submit an application on the Department website at: <https://www.tdlr.texas.gov/AdvisoryBoard/login.aspx>. Applicants can also request an application from the Department by e-mail at advisory.boards@tdlr.texas.gov.

These are not paid positions and there is no compensation or reimbursement for serving on the Board.

Issued in Austin Texas on May 9, 2025

TRD-202501485

Courtney Arbour

Executive Director

Texas Department of Licensing and Regulation

Filed: April 30, 2025



Notice of Vacancy on the Electrical Safety and Licensing Advisory Board

The Texas Department of Licensing and Regulation (Department) announces one vacancy on the Electrical Safety and Licensing Advisory Board (Board) established by Texas Occupations Code, Chapter 1305. The purpose of the Board is to provide advice and recommendations to the Department on technical matters relevant to the administration of this chapter. **This announcement is for:**

- one public member who is a building contractor principally engaged in home construction and is a member of a statewide building trade association.

The Board is composed of nine members appointed by the presiding officer of the Texas Commission of Licensing and Regulation (Commission), with the approval of the Commission. Members serve staggered six-year terms. The terms of three members begin on February 1 of each odd-numbered year. The Board is composed of the following members:

1. three master electrician members;
2. three journeyman electrician members;
3. one master sign electrician member; and
4. two public members.

The Board members must include:

1. two members who are affiliated with a statewide association of electrical contractors not affiliated with a labor organization;
2. three members who are affiliated with a labor organization;
3. one member who is not affiliated with a statewide association of electrical contractors or with a labor organization;
4. one member who is affiliated with a historically underutilized business, as that term is defined by Section 2161.001, Government Code; and
5. one public member who is a building contractor principally engaged in home construction and is a member of a statewide building trade association.

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 via e-mail at advisory.boards@tdlr.texas.gov.

These are not paid positions and there is no compensation or reimbursement for serving on the Board.

Issued in Austin, Texas this May 9, 2025.

TRD-202501472

Courtney Arbour

Executive Director

Texas Department of Licensing and Regulation

Filed: April 30, 2025



Texas Lottery Commission

Scratch Ticket Game Number 2659 "500X LOTERIA SPECTACULAR"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2659 is "500X LOTERIA SPECTACULAR". The play style is "row/column/diagonal".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2659 shall be \$50.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2659.

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, BIRD SYMBOL, CARD SYMBOL, COINS SYMBOL, CROWN SYMBOL, FLAG SYMBOL, GOLD BAR SYMBOL, HEART SYMBOL, KEY SYMBOL, LAMP SYMBOL, LEMON SYMBOL, MOON SYMBOL, RAINBOW SYMBOL, RING SYMBOL, SEVEN SYMBOL, SPADE SYMBOL, SUN SYMBOL, WISHBONE SYMBOL, ARMADILLO SYMBOL, BAT SYMBOL, BICYCLE SYMBOL, BLUEBONNET SYMBOL, BOAR SYMBOL, BUTTERFLY SYMBOL, CACTUS SYMBOL, CARDINAL SYMBOL, CHERRIES SYMBOL, CHILE PEPPER SYMBOL, CORN SYMBOL, COVERED WAGON SYMBOL, COW SYMBOL, COWBOY HAT SYMBOL, COWBOY SYMBOL, DESERT SYMBOL, FIRE SYMBOL, FOOTBALL SYMBOL, GEM SYMBOL,

GUITAR SYMBOL, HEN SYMBOL, HORSE SYMBOL, HORSE-SHOE SYMBOL, JACKRABBIT SYMBOL, LIZARD SYMBOL, LONE STAR SYMBOL, MARACAS SYMBOL, MOCKINGBIRD SYMBOL, MOONRISE SYMBOL, MORTAR PESTLE SYMBOL, NEWSPAPER SYMBOL, OIL RIG SYMBOL, PECAN TREE SYMBOL, PIÑATA SYMBOL, RACE CAR SYMBOL, RATTLESNAKE SYMBOL, ROADRUNNER SYMBOL, SADDLE SYMBOL, SHIP SYMBOL, SHOES SYMBOL, SOCCER BALL SYMBOL, SPEAR SYMBOL, SPUR SYMBOL, STRAWBERRY SYMBOL, SUNSET SYMBOL, WHEEL SYMBOL, WINDMILL SYMBOL, BAR SYMBOL, BELL SYMBOL, BILL SYMBOL, CAMERA SYMBOL, CANDY SYMBOL, CHERRY SYMBOL, CHEST SYMBOL, CLOVER SYMBOL, DICE SYMBOL, DOLLAR SIGN SYMBOL, DRUM SYMBOL, GEM SYMBOL, GIFT SYMBOL, MELON SYMBOL, NECKLACE SYMBOL, PEARL SYMBOL, SHELL SYMBOL, STAR SYMBOL, VAULT SYMBOL, WATER BOTTLE SYMBOL, \$50.00, \$75.00, \$100, \$150, \$200, \$250, \$500, \$1,000, \$5,000, \$25,000 and \$3,000,000.

D. Play Symbol Caption - The printed material appearing below each Play Symbol which explains the Play Symbol. One caption appears under each Play Symbol and is printed in caption font in black ink in positive. The Play Symbol Caption which corresponds with and verifies each Play Symbol is as follows:

Figure 1: GAME NO. 2659 - 1.2D

PLAY SYMBOL	CAPTION
AIRPLANE SYMBOL	AIRPLANE
ARMORED CAR SYMBOL	ARMCAR
BANK SYMBOL	BANK
BIRD SYMBOL	BIRD
CARD SYMBOL	CARD
COINS SYMBOL	COINS
CROWN SYMBOL	CROWN
FLAG SYMBOL	FLAG
GOLD BAR SYMBOL	GOLDBAR
HEART SYMBOL	HEART
KEY SYMBOL	KEY
LAMP SYMBOL	LAMP
LEMON SYMBOL	LEMON
MOON SYMBOL	MOON
RAINBOW SYMBOL	RAINBOW
RING SYMBOL	RING
SEVEN SYMBOL	SEVEN
SPADE SYMBOL	SPADE
SUN SYMBOL	SUN
WISHBONE SYMBOL	WISHBONE
ARMADILLO SYMBOL	ARMADILLO
BAT SYMBOL	BAT
BICYCLE SYMBOL	BICYCLE
BLUEBONNET SYMBOL	BLUEBONNET
BOAR SYMBOL	BOAR
BUTTERFLY SYMBOL	BUTTERFLY
CACTUS SYMBOL	CACTUS

CARDINAL SYMBOL	CARDINAL
CHERRIES SYMBOL	CHERRIES
CHILE PEPPER SYMBOL	CHILE PEPPER
CORN SYMBOL	CORN
COVERED WAGON SYMBOL	COVERED WAGON
COW SYMBOL	COW
COWBOY HAT SYMBOL	COWBOY HAT
COWBOY SYMBOL	COWBOY
DESERT SYMBOL	DESERT
FIRE SYMBOL	FIRE
FOOTBALL SYMBOL	FOOTBALL
GEM SYMBOL	GEM
GUITAR SYMBOL	GUITAR
HEN SYMBOL	HEN
HORSE SYMBOL	HORSE
HORSESHOE SYMBOL	HORSESHOE
JACKRABBIT SYMBOL	JACKRABBIT
LIZARD SYMBOL	LIZARD
LONE STAR SYMBOL	LONE STAR
MARACAS SYMBOL	MARACAS
MOCKINGBIRD SYMBOL	MOCKINGBIRD
MOONRISE SYMBOL	MOONRISE
MORTAR PESTLE SYMBOL	MORTAR PESTLE
NEWSPAPER SYMBOL	NEWSPAPER
OIL RIG SYMBOL	OIL RIG
PECAN TREE SYMBOL	PECAN TREE
PIÑATA SYMBOL	PIÑATA
RACE CAR SYMBOL	RACE CAR
RATTLESNAKE SYMBOL	RATTLESNAKE

ROADRUNNER SYMBOL	ROADRUNNER
SADDLE SYMBOL	SADDLE
SHIP SYMBOL	SHIP
SHOES SYMBOL	SHOES
SOCCER BALL SYMBOL	SOCCER BALL
SPEAR SYMBOL	SPEAR
SPUR SYMBOL	SPUR
STRAWBERRY SYMBOL	STRAWBERRY
SUNSET SYMBOL	SUNSET
WHEEL SYMBOL	WHEEL
WINDMILL SYMBOL	WINDMILL
BAR SYMBOL	BAR
BELL SYMBOL	BELL
BILL SYMBOL	BILL
CAMERA SYMBOL	CAMERA
CANDY SYMBOL	CANDY
CHERRY SYMBOL	CHERRY
CHEST SYMBOL	CHEST
CLOVER SYMBOL	CLOVER
DICE SYMBOL	DICE
DOLLAR SIGN SYMBOL	DOLLAR
DRUM SYMBOL	DRUM
GEM SYMBOL	GEM
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
\$50.00	FFTY\$
\$75.00	SVFV\$
\$100	ONHN
\$150	ONFF
\$200	TOHN
\$250	TOFF
\$500	FVHN
\$1,000	ONTH
\$5,000	FVTH
\$25,000	25TH
\$3,000,000	TPPZ

E. Serial Number - A unique thirteen (13) digit number appearing under the latex scratch-off covering on the front of the Scratch Ticket. The Serial Number is for validation purposes and cannot be used to play the game. The format will be: 0000000000000.

F. Bar Code - A twenty-four (24) character interleaved two (2) of five (5) Bar Code which will include a four (4) digit game ID, the seven (7) digit Pack number, the three (3) digit Ticket number and the ten (10) digit Validation Number. The Bar Code appears on the back of the Scratch Ticket.

G. Game-Pack-Ticket Number - A fourteen (14) digit number consisting of the four (4) digit game number (2659), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 020 within each Pack. The format will be: 2659-0000001-001.

H. Pack - A Pack of the "500X LOTERIA SPECTACULAR" Scratch Ticket Game contains 020 Tickets, packed in plastic shrink-wrapping and fanfolded in pages of one (1). Ticket back 001 and 020 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 "500X LOTERIA SPECTACULAR" Scratch Ticket Game No. 2659.

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 eighty-five

(85) Play Symbols. A prize winner in the "500X LOTERIA SPECTACULAR" 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 (BONUS): If the player reveals 2 matching symbols in the BONUS \$100, the player wins \$100. If the player reveals 2 matching symbols in the BONUS \$200, the player wins \$200. If the player reveals 2 matching symbols in the BONUS \$500, the player wins \$500. If the player reveals 2 matching symbols in the BONUS \$1,000, the player wins \$1,000. PLAY AREA 2 INSTRUCTIONS (PLAYBOARD): (1) The player completely scratches the CALLER'S CARD to reveal 27 symbols. (2) The player scratches ONLY the symbols on the PLAYBOARD that exactly match the symbols revealed on the CALLER'S CARD. (3) If the player reveals a complete row, column or diagonal line, the player wins the prize for that line. PLAY AREA 3 INSTRUCTIONS (GAMES 1 - 8): The player scratches ONLY the symbols on GAMES 1 - 8 that exactly match the symbols revealed on the CALLER'S CARD. If the player reveals 2 symbols in the same GAME, the player wins the PRIZE for that GAME. PLAY AREA 4 INSTRUCTIONS (2X, 5X, 10X, 50X, 500X MULTIPLIER): The player scratches the 2X, 5X, 10X, 50X and 500X MULTIPLIER boxes to reveal 2 symbols in each box. If the player reveals 2 matching 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 (BONO): Si el jugador revela 2 símbolos iguales en el área de BONO \$100, el jugador gana \$100. Si el jugador revela 2 símbolos iguales en el área de BONO \$200, el jugador gana \$200. Si el jugador revela 2 símbolos iguales en el área de BONO \$500, el jugador gana \$500. Si el jugador revela 2 símbolos iguales en el área de BONO \$1,000, el jugador gana \$1,000. INSTRUCCIONES PARA ÁREA DE JUEGO 2 (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 3 (JUEGOS 1 - 8): El jugador SOLAMENTE raspa los símbolos en los JUEGOS 1 - 8 que son exactamente iguales a los símbolos revelados en la CARTA DEL GRITÓN. Si el jugador revela 2 símbolos en el mismo JUEGO, el jugador gana el PREMIO para ese JUEGO. INSTRUCCIONES PARA ÁREA DE JUEGO 4 (MULTIPLICADOR 2X, 5X, 10X, 50X, 500X): El jugador raspa las cajas de MULTIPLICADOR 2X, 5X, 10X, 50X 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 Juego 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 eighty-five (85) 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 eighty-five (85) 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 eighty-five (85) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the eighty-five (85) 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 fifteen (15) 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 (BONUS)/ÁREA DE JUEGO 1 (BONO): There will never be identical Play Symbols in the BONUS/BONO play areas, unless used as a winning play.

D. PLAY AREA 2 (PLAYBOARD)/ÁREA DE JUEGO 2 (TABLA DE JUEGO): There will be no identical Play Symbols in the CALLER'S CARD/CARTA DEL GRITÓN play area.

E. PLAY AREA 2 (PLAYBOARD)/ÁREA DE JUEGO 2 (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.

F. PLAY AREA 2 (PLAYBOARD)/ÁREA DE JUEGO 2 (TABLA DE JUEGO): No identical Play Symbols are allowed on the same PLAYBOARD/TABLA DE JUEGO play area.

G. PLAY AREA 4 (2X, 5X, 10X, 50X, 500X MULTIPLIER)/ÁREA DE JUEGO 4 (MULTIPLICADOR 2X, 5X, 10X, 50X, 500X): There will never be identical Play Symbols in the MULTIPLIER/MULTIPLICADOR play areas, unless used as a winning play.

2.3 Procedure for Claiming Prizes.

A. To claim a "500X LOTERIA SPECTACULAR" Scratch Ticket Game prize of \$50.00, \$75.00, \$100, \$150, \$200, \$250, \$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 \$50.00, \$75.00, \$100, \$150, \$200, \$250, \$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 "500X LOTERIA SPECTACULAR" Scratch Ticket Game prize of \$1,000, \$5,000, \$10,000 or \$25,000, 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 "500X LOTERIA SPECTACULAR" Scratch Ticket Game top level prize of \$3,000,000, the claimant must sign the winning Scratch Ticket and may present it at one of the Texas Lottery's Claim Centers in Austin, Dallas, Fort Worth, Houston or San Antonio, 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 () 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 "500X LOTERIA SPECTACULAR" Scratch Ticket Game prize, including the top level prize of \$3,000,000, 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 "500X LOTERIA SPECTACULAR" 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 "500X LOTERIA SPECTACULAR" 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 8,040,000 Scratch Tickets in Scratch Ticket Game No. 2659. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2659 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$50.00	804,000	10.00
\$75.00	402,000	20.00
\$100	402,000	20.00
\$150	402,000	20.00
\$200	201,000	40.00
\$250	201,000	40.00
\$300	50,250	160.00
\$500	40,200	200.00
\$1,000	1,675	4,800.00
\$5,000	469	17,142.86
\$10,000	67	120,000.00
\$25,000	20	402,000.00
\$3,000,000	4	2,010,000.00

*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 3.21. 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. 2659 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. 2659, 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-202501437

Bob Biard
General Counsel
Texas Lottery Commission
Filed: April 30, 2025



Scratch Ticket Game Number 2669 "MEGA LOTERIA"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2669 is "MEGA LOTERIA". The play style is "row/column/diagonal".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2669 shall be \$10.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2669.

A. Display Printing - That area of the Scratch Ticket outside of the area where the overprint and Play Symbols appear.

B. Latex Overprint - The removable scratch-off covering over the Play Symbols on the front of the Scratch Ticket.

C. Play Symbol - The printed data under the latex on the front of the Scratch Ticket that is used to determine eligibility for a prize. Each Play Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black Play Symbols are: ARMADILLO SYMBOL, BAT SYMBOL, BICYCLE SYMBOL, BLUEBONNET SYMBOL, BOAR SYMBOL, BUTTERFLY SYMBOL, CACTUS SYMBOL, CARDINAL SYMBOL, CHERRIES SYMBOL, CHILE PEPPER SYMBOL, CORN SYMBOL, COVERED WAGON SYMBOL, COW SYMBOL, COWBOY HAT SYMBOL, COWBOY SYMBOL, DESERT SYMBOL, FIRE SYMBOL, FOOTBALL SYMBOL, GEM SYMBOL, GUITAR SYMBOL, HEN SYMBOL, HORSE SYMBOL, HORSESHOE

SYMBOL, JACKRABBIT SYMBOL, LIZARD SYMBOL, LONE STAR SYMBOL, MARACAS SYMBOL, MOCKINGBIRD SYMBOL, MOONRISE SYMBOL, MORTAR PESTLE SYMBOL, NEWSPAPER SYMBOL, OIL RIG SYMBOL, PECAN TREE SYMBOL, PIÑATA SYMBOL, RACE CAR SYMBOL, RATTLESNAKE SYMBOL, ROADRUNNER SYMBOL, SADDLE SYMBOL, SHIP SYMBOL, SHOES SYMBOL, SOCCER BALL SYMBOL, SPEAR SYMBOL, SPUR SYMBOL, STRAWBERRY SYMBOL, SUNSET SYMBOL, WHEEL SYMBOL, WINDMILL SYMBOL, \$10.00, \$15.00, \$20.00, \$30.00, \$50.00, \$100, \$200, \$500, \$1,000 and \$5,000.

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. 2669 - 1.2D

PLAY SYMBOL	CAPTION
ARMADILLO SYMBOL	ARMADILLO
BAT SYMBOL	BAT
BICYCLE SYMBOL	BICYCLE
BLUEBONNET SYMBOL	BLUEBONNET
BOAR SYMBOL	BOAR
BUTTERFLY SYMBOL	BUTTERFLY
CACTUS SYMBOL	CACTUS
CARDINAL SYMBOL	CARDINAL
CHERRIES SYMBOL	CHERRIES
CHILE PEPPER SYMBOL	CHILE PEPPER
CORN SYMBOL	CORN
COVERED WAGON SYMBOL	COVERED WAGON
COW SYMBOL	COW
COWBOY HAT SYMBOL	COWBOY HAT
COWBOY SYMBOL	COWBOY
DESERT SYMBOL	DESERT
FIRE SYMBOL	FIRE
FOOTBALL SYMBOL	FOOTBALL
GEM SYMBOL	GEM
GUITAR SYMBOL	GUITAR
HEN SYMBOL	HEN
HORSE SYMBOL	HORSE
HORSESHOE SYMBOL	HORSESHOE
JACKRABBIT SYMBOL	JACKRABBIT
LIZARD SYMBOL	LIZARD
LONE STAR SYMBOL	LONE STAR
MARACAS SYMBOL	MARACAS
MOCKINGBIRD SYMBOL	MOCKINGBIRD
MOONRISE SYMBOL	MOONRISE

MORTAR PESTLE SYMBOL	MORTAR PESTLE
NEWSPAPER SYMBOL	NEWSPAPER
OIL RIG SYMBOL	OIL RIG
PECAN TREE SYMBOL	PECAN TREE
PIÑATA SYMBOL	PIÑATA
RACE CAR SYMBOL	RACE CAR
RATTLESNAKE SYMBOL	RATTLESNAKE
ROADRUNNER SYMBOL	ROADRUNNER
SADDLE SYMBOL	SADDLE
SHIP SYMBOL	SHIP
SHOES SYMBOL	SHOES
SOCCER BALL SYMBOL	SOCCER BALL
SPEAR SYMBOL	SPEAR
SPUR SYMBOL	SPUR
STRAWBERRY SYMBOL	STRAWBERRY
SUNSET SYMBOL	SUNSET
WHEEL SYMBOL	WHEEL
WINDMILL SYMBOL	WINDMILL
\$10.00	TEN\$
\$15.00	FFN\$
\$20.00	TWY\$
\$30.00	TRTY\$
\$50.00	FFTY\$
\$100	ONHN
\$200	TOHN
\$500	FVHN
\$1,000	ONTH
\$5,000	FVTH

E. Serial Number - A unique 13 (thirteen) 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 24 (twenty-four) 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 14 (fourteen) digit number consisting of the four (4) digit game number (2669), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 050 within each Pack. The format will be: 2669-0000001-001.

H. Pack - A Pack of the "MEGA LOTERIA" Scratch Ticket Game contains 050 Tickets, packed in plastic shrink-wrapping and fanfolded in pages of one (1). Ticket back 001 and 050 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 "MEGA LOTERIA" Scratch Ticket Game No. 2669.

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 Game Rules, these Game Procedures, and the requirements set out on the back of each Scratch Ticket. Each Scratch Ticket contains exactly 72 (seventy-two) Play Symbols. A prize winner in the "MEGA LOTERIA" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose Play Symbols as follows: PLAYBOARDS 1 & 2: 1) The player completely scratches the CALLER'S CARD area to reveal 28 symbols. 2) The player scratches ONLY the symbols on both PLAYBOARDS that exactly match the symbols revealed on the CALLER'S CARD. 3) If the player reveals a complete row, column or diagonal line on either PLAYBOARD, the player wins the prize for that line. BONUS GAMES: The player scratches ONLY the symbols on the BONUS GAMES that exactly match the symbols revealed on the CALLER'S CARD. If the player reveals 2 symbols in the same GAME, the player wins the PRIZE for that GAME. TABLAS DE JUEGO 1 Y 2: 1) El jugador raspa completamente la CARTA DEL GRITÓN para revelar 28 símbolos. 2) El jugador SOLAMENTE raspa los símbolos en las dos TABLAS 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 en cualquiera TABLA DE JUEGO, el jugador gana el premio para esa línea. JUEGOS DE BONO: El jugador SOLAMENTE raspa los símbolos en los JUEGOS DE BONO que son exactamente iguales a los símbolos revelados en la CARTA DEL GRITÓN. Si el jugador revela 2 símbolos en el mismo JUEGO, el jugador gana el PREMIO para ese JUEGO. 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 72 (seventy-two) 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 72 (seventy-two) 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 72 (seventy-two) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the 72 (seventy-two) 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 de-

fective 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 eight (8) 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. PLAYBOARDS/TABLAS DE JUEGO: There will be no identical Play Symbols in the CALLER'S CARD/CARTA DEL GRITÓN play area.

D. PLAYBOARDS/TABLAS DE JUEGO: At least fourteen (14) but no more than twenty-six (26) CALLER'S CARD/CARTA DEL GRITÓN Play Symbols will match a Play Symbol on either PLAYBOARD/TABLA DE JUEGO play area.

E. PLAYBOARDS/TABLAS DE JUEGO: No identical Play Symbols are allowed on the same PLAYBOARD/TABLA DE JUEGO play area.

F. BONUS GAMES/JUEGOS DE BONO: Every BONUS GAME/JUEGO DE BONO Grid will match at least one (1) Play Symbol to the CALLER'S CARD/CARTA DEL GRITÓN play area.

2.3 Procedure for Claiming Prizes.

A. To claim a "MEGA LOTERIA" Scratch Ticket Game prize of \$10.00, \$15.00, \$20.00, \$30.00, \$50.00, \$100, \$200 or \$500, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and 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, \$100, \$200 or \$500 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

B. To claim a "MEGA LOTERIA" Scratch Ticket Game prize of \$1,000, \$5,000 or \$250,000, the claimant must sign the winning Scratch Ticket and 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 "MEGA LOTERIA" Scratch Ticket Game prize, the claimant may submit the signed winning Scratch Ticket and a thoroughly completed claim form via mail. If a prize value is \$1,000,000 or more, the claimant must also provide proof of Social Security number or 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 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 "MEGA LOTERIA" Scratch Ticket Game, the Texas Lottery shall deliver to an adult member of the minor's family or the minor's guardian a check or warrant in the amount of the prize payable to the order of the minor.

2.6 If a person under the age of 18 years is entitled to a cash prize of \$600 or more from the "MEGA LOTERIA" Scratch Ticket Game, the Texas Lottery shall deposit the amount of the prize in a custodial bank account, with an adult member of the minor's family or the minor's guardian serving as custodian for the minor.

2.7 Scratch Ticket Claim Period. All Scratch Ticket prizes must be claimed within 180 days following the end of the Scratch Ticket Game or within the applicable time period for certain eligible military personnel as set forth in Texas Government Code §466.408. Any rights to a prize that is not claimed within that period, and in the manner specified in these Game Procedures and on the back of each Scratch Ticket, shall be forfeited.

2.8 Disclaimer. The number of prizes in a game is approximate based on the number of Scratch Tickets ordered. The number of actual prizes available in a game may vary based on number of Scratch Tickets manufactured, testing, distribution, sales and number of prizes claimed. A Scratch Ticket Game may continue to be sold even when all the top prizes have been claimed.

3.0 Scratch Ticket Ownership.

A. Until such time as a signature is placed upon the back portion of a Scratch Ticket in the space designated, a Scratch Ticket shall be owned by the physical possessor of said Scratch Ticket. When a signature is placed on the back of the Scratch Ticket in the space designated, the player whose signature appears in that area shall be the owner of the Scratch Ticket and shall be entitled to any prize attributable thereto. Notwithstanding any name or names submitted on a claim form, the Executive Director shall make payment to the player whose signature appears on the back of the Scratch Ticket in the space designated. If more than one name appears on the back of the Scratch Ticket, the

Executive Director will require that one of those players whose name appears thereon be designated by such players to receive payment.

B. The Texas Lottery shall not be responsible for lost or stolen Scratch Tickets and shall not be required to pay on a lost or stolen Scratch Ticket.

4.0 Number and Value of Scratch Ticket Prizes. There will be approximately 35,040,000 Scratch Tickets in Scratch Ticket Game No. 2669. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2669 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$10	3,854,400	9.09
\$15	1,401,600	25.00
\$20	1,401,600	25.00
\$30	2,102,400	16.67
\$50	700,800	50.00
\$100	360,620	97.17
\$200	77,380	452.83
\$500	6,424	5,454.55
\$1,000	1,752	20,000.00
\$5,000	140	250,285.71
\$250,000	10	3,504,000.00

*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 3.54. 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. 2669 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 Instant 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. 2669, 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-202501386
Bob Biard
General Counsel
Texas Lottery Commission
Filed: April 28, 2025

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North Central Texas Council of Governments

Request for Proposals

Requests for North Texas Providers of Services to UAM (PSUS) and Uncrewed Traffic Management (UTM) Service Providers Regional Integration Pilot Program Phase Two

The North Central Texas Council of Governments (NCTCOG) is requesting written proposals from qualified firms(s) to provide a tool that will enable residents and businesses to fly safe and also inform the public of local drone operations by providing live data on areas of potential risk, advisories for local events or emergencies, and other flight planning features at no cost to NCTCOG. Enabling residents and businesses to fly safe, by providing live data on areas of potential risk, advisories for local events or emergencies, and other flight planning features.

Proposers may submit one hard copy or one flash drive of the proposal to Ernest Huffman, Program Manager, North Central Texas Council of Governments, 616 Six Flags Drive, Arlington, Texas 76011. Flash drives should contain one file preferably with indexed sections. Flash drives that are unreadable or contain corrupted files will be considered non-responsive. **Proposals must be received by 5:00 p.m., Friday, June 6, 2025.** Proposals received after that time will not be considered and will be returned to the proposer unopened. The in-hand submittal will count as the official submittal. In addition to the in-hand submittal, NCTCOG will be releasing this RFP through the Bidnet Direct system and will accept electronic submissions through the system. A Bidnet Direct link will be included when the RFP is published. **The Bidnet Direct submittal only will not be evaluated.**

NCTCOG encourages participation by disadvantaged business enterprises and does not discriminate on the basis of age, race, color, religion, sex, national origin, or disability.

TRD-202501381

Mike Eastland

Executive Director

North Central Texas Council of Governments

Filed: April 28, 2025

Permian Basin Regional Planning Commission

Request for Proposal - Fully Insured

The Permian Basin Regional Planning Commission (PBRPC) is seeking qualified companies to provide proposals for employee and retiree benefits.

The Request for Proposal (RFP) may be obtained by downloading the **RFP** and attachments from PBRPC's website at pbrpc.org/procurement-and-bid-opportunities. Proposals must be received by 12:00 p.m. (CDT), June 2, 2025, at the PBRPC office.

TRD-202501425

Virginia Belew

Executive Director

Permian Basin Regional Planning Commission

Filed: April 29, 2025

Workforce Solutions for the Heart of Texas

Request for Proposal

Request for Proposals (RFP #13250101) Heart of Texas Workforce System Workforce Innovation and Opportunity Act (WIOA) Youth and Educational Outreach Services. The Heart of Texas Workforce Development Board, Inc., dba Workforce Solutions for the Heart of Texas is soliciting bids for the management and operation of Workforce Innovation and Opportunity Act (WIOA) Youth program services and Temporary Assistance for Needy Families (TANF) Workforce Career and Educational Outreach services. The WIOA Youth program places primary emphasis on serving out-of-school youth ages 16 to 24 while offering in-school youth services (ages 14 - 21) in the Workforce Solutions for the Heart of Texas (WSHOT) workforce area. RFP Due Date/Time: Thursday, May 29, 2025, 1:00 p.m. (CST). View the RFP at <https://www.hotworkforce.com/home/about-us/business-opportunities/>. The Heart of Texas Workforce Board, Inc. is an equal opportunity employer/programs and auxiliary aids and services are available upon request to include individuals with disabilities. TTY/TDD via RELAY Texas service at 711 or (TDD) 1-800-735-2989 / 1-800-735-2988 (voice).

TRD-202501357

Anthony Billings

Executive Director, Heart of Texas Workforce Development Board, Inc.

Workforce Solutions for the Heart of Texas

Filed: April 25, 2025

How to Use the Texas Register

Information Available: The sections of the *Texas Register* represent various facets of state government. Documents contained within them include:

Governor - Appointments, executive orders, and proclamations.

Attorney General - summaries of requests for opinions, opinions, and open records decisions.

Texas Ethics Commission - summaries of requests for opinions and opinions.

Emergency Rules - sections adopted by state agencies on an emergency basis.

Proposed Rules - sections proposed for adoption.

Withdrawn Rules - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after the proposal publication date.

Adopted Rules - sections adopted following public comment period.

Texas Department of Insurance Exempt Filings - notices of actions taken by the Texas Department of Insurance pursuant to Chapter 5, Subchapter L of the Insurance Code.

Review of Agency Rules - notices of state agency rules review.

Tables and Graphics - graphic material from the proposed, emergency and adopted sections.

Transferred Rules - notice that the Legislature has transferred rules within the *Texas Administrative Code* from one state agency to another, or directed the Secretary of State to remove the rules of an abolished agency.

In Addition - miscellaneous information required to be published by statute or provided as a public service.

Specific explanation on the contents of each section can be found on the beginning page of the section. The division also publishes cumulative quarterly and annual indexes to aid in researching material published.

How to Cite: Material published in the *Texas Register* is referenced by citing the volume in which the document appears, the words “TexReg” and the beginning page number on which that document was published. For example, a document published on page 2402 of Volume 50 (2025) is cited as follows: 50 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2 in the lower-left hand corner of the page, would be written “50 TexReg 2 issue date,” while on the opposite page, page 3, in the lower right-hand corner, would be written “issue date 50 TexReg 3.”

How to Research: The public is invited to research rules and information of interest between 8 a.m. and 5 p.m. weekdays at the *Texas Register* office, James Earl Rudder Building, 1019 Brazos, Austin. Material can be found using *Texas Register* indexes, the *Texas Administrative Code* section numbers, or TRD number.

Both the *Texas Register* and the *Texas Administrative Code* are available online at: <https://www.sos.texas.gov>. The *Texas Register* is available in an .html version as well as a .pdf version through the internet. For website information, call the Texas Register at (512) 463-5561.

Texas Administrative Code

The *Texas Administrative Code (TAC)* is the compilation of all final state agency rules published in the *Texas Register*. Following its effective date, a rule is entered into the *Texas Administrative Code*. Emergency rules, which may be adopted by an agency on an interim basis, are not codified within the TAC.

The TAC volumes are arranged into Titles and Parts (using Arabic numerals). The Titles are broad subject categories into which the agencies are grouped as a matter of convenience. Each Part represents an individual state agency.

The complete TAC is available through the Secretary of State’s website at <http://www.sos.state.tx.us/tac>.

The Titles of the TAC, and their respective Title numbers are:

1. Administration
4. Agriculture
7. Banking and Securities
10. Community Development
13. Cultural Resources
16. Economic Regulation
19. Education
22. Examining Boards
25. Health Services
28. Insurance
30. Environmental Quality
31. Natural Resources and Conservation
34. Public Finance
37. Public Safety and Corrections
40. Social Services and Assistance
43. Transportation

How to Cite: Under the TAC scheme, each section is designated by a TAC number. For example in the citation 1 TAC §91.1: 1 indicates the title under which the agency appears in the *Texas Administrative Code*; TAC stands for the *Texas Administrative Code*; §91.1 is the section number of the rule (91 indicates that the section is under Chapter 91 of Title 1; 1 represents the individual section within the chapter).

How to Update: To find out if a rule has changed since the publication of the current supplement to the *Texas Administrative Code*, please look at the *Index of Rules*.

The *Index of Rules* is published cumulatively in the blue-cover quarterly indexes to the *Texas Register*.

If a rule has changed during the time period covered by the table, the rule’s TAC number will be printed with the *Texas Register* page number and a notation indicating the type of filing (emergency, proposed, withdrawn, or adopted) as shown in the following example.

TITLE 1. ADMINISTRATION

Part 4. Office of the Secretary of State

Chapter 91. Texas Register

1 TAC §91.1.....950 (P)

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