

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 7. LOCAL RECORDS

SUBCHAPTER D. RECORDS RETENTION SCHEDULES

13 TAC §7.127

(Editor's note: In accordance with Texas Government Code, §2002.014, which permits the omission of material which is "cumbersome, expensive, or otherwise inexpedient," the figure in 13 TAC §7.127 is not included in the print version of the Texas Register. The figure is available in the on-line version of the June 26, 2026, issue of the Texas Register.)

The Texas State Library and Archives Commission (commission) adopts amendments to 13 Texas Administrative Code Chapter 7, Local Government Records, §7.127, Local Schedule PW: Records of Public Works and Other Government Services which establishes minimum records retention requirements for certain types of records for local governments. The amendments are adopted with changes to the proposed text as published in the March 6, 2026, issue of the *Texas Register* (51 TexReg 1362) and will be republished.

BACKGROUND. The adopted amendments are necessary to improve retention of public records and ensure that the local records retention schedules remain aligned with current statutory requirements, recordkeeping practices, and administrative needs of local governments.

Government Code, §441.006 directs the commission to aid and encourage, by adoption of policies and programs, the development of effective records management and preservation programs in state agencies and local governments of the state. Texas Government Code, §441.158 directs the commission to adopt records retention schedules for each type of local government, including a schedule for records common to all types of local government. In adopting these schedules, the commission must prescribe by rule minimum retention periods for local government records unless a minimum retention period is otherwise established by federal or state law, rule of court, or regulation. Pursuant to this authority, the commission has established 12 local records retention schedules, including Local Schedule PW: Records of Public Works and Other Government Services. This schedule establishes the minimum length of time certain records must be retained by local governments before destruction or archival preservation.

In developing the adopted amendments to §7.127, the commission reviewed previously identified issues, questions, and

suggested changes collected over time for future incorporation. The commission also considered changes in law, administrative practices, and recordkeeping technologies. As part of this process, the commission consulted informally with various local government records management officers and other stakeholders, who were given an opportunity to review draft revisions and provide informal comments and feedback. The adopted amendments to the schedules reflect the commission's consideration of the information received and are intended to clarify retention requirements, improve usability of the schedules, and support consistent records management practices across local governments.

The commission has made available a version of the schedule showing tracked changes to aid the public in reviewing the proposed revisions.

EXPLANATION OF ADOPTED AMENDMENTS.

In addition to the specific record series amendments listed below, general amendments are adopted to §7.127 (Schedule PW) to update non-substantive formatting and structural elements of the schedule. These amendments include revisions to effective dates, headings, pagination, table formatting, internal references, and similar clerical or organizational matters to improve readability and consistency.

Amendments are also adopted in the introductory section to improve the readability of the introduction, to encapsulate the substantive changes made to the schedule in the summary of important points, and to reformat and reorder the retention codes and abbreviations used to promote consistency with the other schedules.

Adopted amendments to 13 Texas Administrative Code §7.127 (Local Schedule PW) include the following changes:

Adopted amendments include the addition of five new record series: Public Works and Services Planning Studies and Reports - Eminent Domain (PW5200-01c), Zoning Permit Records - Withdrawn Applications (PW5225-03c), Blueprints and Specifications (PW5250-01e), Archives Collection Control Records (PW5500-07), and Reference Request Records (PW5500-08). These new series address gaps in the schedule created by statutory requirements, operational changes, and the need to distinguish records with differing administrative and legal value.

Adopted amendments also include the withdrawal or consolidation of twenty-three record series. Many withdrawn record series were header-only series that were removed and incorporated into subseries to improve organization and usability (e.g., PW5200-01, Public Works and Services Planning Studies and Reports). Other record series were withdrawn due to redundancy with newly revised or consolidated subseries of like function or type (e.g., PW5300-07a, Traffic Signs and Signals Inventory Records, consolidated into revised permitting subseries).

Additional record series were withdrawn due to obsolescence resulting from changes in regulatory requirements or recordkeeping practices (e.g., PW5450-04b, Pest Control Records, withdrawn due to the repeal of 25 TAC §267.11).

Additional adopted changes include restructuring and simplifying record series within multiple sections of Schedule PW to better delineate between the different kinds of records. These changes include consolidating duplicative subseries, clarifying the scope of retained records, and relocating explanatory language from standalone header rows into applicable subseries. Overall, the adopted changes aim to simplify, condense, and improve the usability of Schedule PW while maintaining compliance with applicable statutory and regulatory requirements.

Adopted amendments to §7.127, Schedule PW would change specific retention periods as follows:

PW5200-01c, Public Works and Services Planning Studies and Reports: The adopted amendment would establish a retention period of ten years for records related to eminent domain cases. This change is adopted to align with Texas Property Code §21.0111(a), which requires entities with eminent domain power to disclose all relevant appraisal reports for the ten years preceding an offer.

PW5250-11a, Reports of Building Permits Issued: The adopted amendment does not substantively change the retention period, which remains Permanent. Instead, the retention requirement is revised to reference the retention period prescribed for GR1000-41(a)(1), Reports and Studies (non-fiscal)- Annual Reports, on the general records schedule, so that any future changes to that retention period will apply automatically. This change is adopted to minimize duplication and improve efficiency.

PW5250-11b, Reports of Building Permits Issued: The adopted amendment does not substantively change the retention period, which remains Permanent. Instead, the retention requirement is revised to reference the retention period prescribed for GR1000-41(a)(1), Reports and Studies (non-fiscal), on the general records schedule, so that any future changes to that retention period will apply automatically. This change is adopted for efficiency and to maintain consistency with PW5250-11a.

PW5300-07, Traffic Signs and Signals Inventory Records: The adopted amendment would establish a retention period of US (until superseded). This retention period is adopted to reflect the ongoing administrative and operational value of traffic inventory records and to consolidate previously separate subseries into a single series with a clear retention requirement.

PW5325-02, Parking Device Inventory Records: The adopted amendment would establish a retention period of US. This change is adopted to combine subseries for clarity and consistency yet still provide consistency with other inventory records and reflect their administrative value.

PW5375-11b, Operations Reports: The adopted amendment does not substantively change the retention period, which remains Permanent. Instead, the retention requirement is revised to reference the retention period prescribed for GR1000-41(a)(1), Reports and Studies (non-fiscal), on the general records schedule, so that any future changes to that retention period will apply automatically. This change is adopted for consistency and efficiency.

PW5375-12a, Reports to Regulatory Agencies: The adopted amendment does not substantively change the retention period, which remains Permanent. Instead, the retention requirement

is revised to reference the retention period prescribed for GR1000-41(a)(1), Reports and Studies (non-fiscal), on the general records schedule, so that any future changes to that retention period will apply automatically. This change is adopted for consistency and efficiency.

PW5375-12b, Reports to Regulatory Agencies: The adopted amendment does not substantively change the retention period, which remains Permanent. Instead, the retention requirement is revised to reference the retention period prescribed for GR1000-41(a)(1), Reports and Studies (non-fiscal), on the general records schedule, so that any future changes to that retention period will apply automatically. This change is adopted to improve consistency, reduce duplication, and enhance efficiency.

PW5525-01, Attendance Reports: The adopted amendment does not substantively change the retention period. Instead, the retention requirement is revised to reference the retention period prescribed for GR1000-41(a)(1), Reports and Studies (non-fiscal), on the general records schedule, so that any future changes to that retention period will apply automatically. This change is adopted to improve consistency, reduce duplication, and enhance efficiency.

PW5600-05, Volunteer Service Files: The adopted amendment does not substantively change the retention period. Instead, the retention requirement is revised to reference the retention period prescribed for GR1050-39, Volunteer Service Files, on the general records schedule, which is US (until superseded) or date of separation plus three years. This change is adopted to improve consistency, reduce duplication, and enhance efficiency.

PW5650-01b, Bingo Applications and Licenses: The adopted amendment would revise the retention period from US (until superseded) to US or date of issuance plus two years, whichever sooner, to ensure consistency with related series and incorporate retention guidance previously contained in remarks.

PW5650-02a, Reports of Proceeds: The adopted amendment revises the retention requirement to reference the retention period prescribed for GR1025-27a, Accounts Receivable Records, on the general records schedule, which is FE (fiscal year end) of date of receipt plus five years for school districts and FE of date of receipt plus three years for other governments. This change is adopted to improve consistency, reduce duplication, and enhance efficiency.

SUMMARY OF COMMENTS. During the public comment period, which ended April 10, 2026, the commission received comments from the City of Wiley and the City of Fort Worth. A summary of the comments and the commission's responses follows.

Comment: One commenter stated a concern regarding whether the record series item numbers of withdrawn record series would be reused.

Response: To preserve the context and history of each schedule and the record series it contains, TSLAC will not reuse the record series item numbers. TSLAC revised the rule in response to this comment by listing the withdrawn status of the series within the row of the series itself.

Comment: One commentator stated a concern that the description of newly proposed series PW5500-08 is too broad and includes items which may conflict with retention periods of other series.

Response: TSLAC revised the description language of PW5500-08 to be more narrow and descriptive.

Comment: One commentor noted that removing header rows increased the size of the schedule.

Response: TSLAC declines to revise the rule in response to the comment. Local governments create their internal retention schedules using the TSLAC local government schedule as a basis. Local governments are able to maintain the use of a header row in their own schedule if it is their preference.

Comment: One commentor noted a typo where there was an incomplete clause in record series item number PW5250-10b.

Response: TSLAC revised the rule to include the missing language.

Comment: One commentor expressed confusion over what is included in the phrase "miscellaneous permits" used in record series item number PW5250-01c.

Response: TSLAC declines to revise the rule in response to this comment. More context and examples of miscellaneous permits can be found in record series item number PW250-10.

Comment: One commentor noted a typo in the statutory authority for record series item number PW5450-05i(1).

Response: TSLAC revised the citation to reference the appropriate subsections.

STATUTORY AUTHORITY. The amendments are adopted under Government Code, §441.158, which authorizes the commission to prescribe by rule a minimum retention period for any local record unless a minimum retention period for the record is prescribed by another federal or state law, rule of court, or regulation. In addition, the amendments are adopted under Government Code, §441.160, which authorizes the commission to revise retention schedules.

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

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

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

Figure: 13 TAC §7.127

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

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



TITLE 16. ECONOMIC REGULATION

PART 4. TEXAS DEPARTMENT OF LICENSING AND REGULATION

CHAPTER 71. RESIDENTIAL SOLAR RETAILERS AND SALESPERSONS

The Texas Commission of Licensing and Regulation (Commission) adopts new rules at 16 Texas Administrative Code (TAC), Chapter 71, Subchapter A, §71.1 and §71.4; Subchapter C, §§71.21, 71.22, 71.24, and 71.25; Subchapter D, §§71.30 - 71.32; Subchapter E, §§71.41 - 71.43; Subchapter F, §71.51 and §71.52; Subchapter G, §71.60; and Subchapter H, §71.71, regarding the Residential Solar Retailers and Salespersons program, without changes to the proposed text as published in the March 13, 2026, issue of the *Texas Register* (51 TexReg 1486). These rules will not be republished.

The Commission also adopts new rules at 16 TAC Chapter 71, Subchapter A, §71.2 and §71.3; Subchapter C, §71.20 and §71.23; Subchapter E, §71.40; Subchapter F, §71.50; and Subchapter H, §71.72 and §71.73, regarding the Residential Solar Retailers and Salespersons program, with changes to the proposed text as published in the March 13, 2026, issue of the *Texas Register* (51 TexReg 1486). These rules will be republished.

EXPLANATION OF AND JUSTIFICATION FOR THE RULES

The adopted rules implement Senate Bill (SB) 1036, 89th Legislature, Regular Session (2025), which enacted Texas Occupations Code, Chapter 1806, the Residential Solar Retailer Regulatory Act (the Act). SB 1036 provides the Department with regulatory authority over residential solar transactions and requires salespersons and the companies that oversee them, known as solar retailers, to obtain registrations. SB 1036 went into effect on September 1, 2025. Under the transition language of SB 1036, certain provisions went into effect on the bill's effective date, while registration requirements and certain enforcement provisions begin on September 1, 2026. SB 1036 also directed the Department to form and consult a stakeholder workgroup for the development of rules implementing that legislation. The adopted rules were developed with the assistance of that workgroup.

The adopted rules define key concepts, clarify the Department's regulatory scope, provide details regarding registration and insurance requirements, state requirements for the form and format of solar contracts, and create a code of conduct for solar retailers and salespersons. Further, the adopted rules set out requirements for solar salespersons and solar retailers to provide consumers with disclosures and educational materials, specify the manner in which solar contracts can be cancelled, and include provisions relating to fees and enforcement provisions.

SECTION-BY-SECTION SUMMARY

Subchapter A. General Provisions

The adopted new §71.1, Authority, provides citations to the statutory authority for the rule chapter. Subsection (a) clarifies that although Chapters 51 and 1806 of the Texas Occupations Code serve as the primary authority, specific provisions of the chapter also implement other statutes. Subsection (b) clarifies that in addition to this chapter, the provisions of 16 TAC Chapter 60, Procedural Rules of the Commission and Department, also apply to this program.

The adopted new §71.2, Applicability, specifies the applicability of the rule chapter and has been revised in response to public comment received. In the adopted rule, proposed subsection (a) was stricken, and the remaining two subsections were re-let-

tered. Adopted Subsection (a) clarifies that Subchapters E, F, and H apply beginning September 1, 2026. Adopted Subsection (b) clarifies that the chapter also applies to licensed electrical contractors except where they are specifically exempted by statute or rule.

The adopted new §71.3, Definitions, provides definitions for the chapter. The definitions incorporate by reference certain statutory definitions, supplement these definitions, and provide additional definitions. The term "lease" is defined broadly to include power purchase agreements, which are separately defined. In the adopted rule, non-substantive changes, including changes to capitalization and removal of surplus verbiage, were made for clarity and stylistic consistency.

The adopted new §71.4, Exemption of Solar Retailers from Continuing Education Requirements, implements Texas Occupations Code §1806.106 and clarifies that any continuing education requirements will be applicable only to solar salespersons and not to solar retailers.

Subchapter C. Registration of Solar Retailers and Salespersons

The adopted new §71.20, Registration Requirements--Retailers, consists of four subsections. Subsection (a) outlines the general requirement for a solar retailer to be registered unless exempt. Subsection (b) establishes eligibility criteria for registration. Subsection (c) establishes the required documents to be submitted, along with the required fee, to obtain a registration. Subsection (d) provides that a solar retailer registration may not be transferred. In the adopted rule, a correction was made to capitalization under subsection (b) for stylistic consistency.

The adopted new §71.21, Insurance Requirements--Retailers, establishes insurance requirements for solar retailers. Pursuant to this section, solar retailers are required to maintain general liability insurance that covers liability to consumers arising from the acts of the solar retailer and salespersons. The section establishes the minimum coverage amounts and types of eligible insurers. The section also provides that the Department must be named as a certificate holder on the policy and that the solar retailer must notify the Department within ten days of any change in coverage.

The adopted new §71.22, Registration Renewal Requirements--Retailers, establishes that solar retailers must renew their registration annually, provide required documentation, including information about salespersons and proof of insurance, and pay the required fee.

The adopted new §71.23, Registration Requirements--Solar Salespersons, consists of four subsections. Subsection (a) establishes a general requirement for solar salespersons to be registered and to work under a registered solar retailer. Subsection (b) establishes general registration requirements. Subsection (c) establishes required documents to be submitted, along with the required fee, to obtain a registration. Subsection (d) provides that a solar salesperson registration may not be transferred. In the adopted rule, a correction was made to capitalization under subsection (b) for stylistic consistency.

The adopted new §71.24, Registration Renewal Requirements--Solar Salespersons, establishes that solar salespersons must renew their registration annually, provide required documentation, and pay the required fee.

The adopted new §71.25, Duty to Update Registration Information--Solar Retailers and Solar Salespersons, establishes a duty to notify the Department of changes to certain information. Both

solar retailers and solar salespersons are required to notify the Department within 30 days of any change to certain contact information. Solar retailers are additionally required to notify the Department of changes related ownership or controlling persons.

Subchapter D. Exemptions

The adopted new §71.30, Exemptions, tracks statutory exemptions under Texas Occupations Code §1806.005 and details systems to which the chapter does not apply.

The adopted new §71.31, Exempt Agreements, clarifies that the chapter does not apply to solar contracts entered into before September 1, 2025, the effective date of SB 1036.

The adopted new §71.32, Exemption of Electrical Contractors and Employees, implements Texas Occupations Code §1806.004, and clarifies when and to what extent the chapter applies to licensed electrical contractors or to employees of the contractors, when those persons engage in conduct that would otherwise require registration as a solar retailer or solar salesperson.

Subchapter E. Requirements of Solar Contracts

The adopted new §71.40, Requirements of Solar Contract--General, consists of two subsections. Subsection (a) establishes standards for the form and format of solar contracts and requires the inclusion of certain substantive provisions to protect consumers. Subsection (b) sets forth when and how the executed contract must be delivered to the consumer. Based on the Commission's decision at its May 20, 2026, meeting, subsection (a)(1) from the proposed rule, which pertained to the required language in which the contract is written, was struck, and the remaining paragraphs in subsection (a) were renumbered in the adopted rule. Additionally, in the adopted rule, a correction was made to capitalization in subsection (a) for stylistic consistency.

The adopted new §71.41, Requirements of Contract--Disclosures, establishes requirements regarding the use of a disclosure form designed by the Department. The rule consists of five subsections. Subsection (a) requires the solar salesperson to complete all information on the form, to provide it to the consumer prior to the solar contract being signed, and to provide the form in the consumer's preferred language if the Department makes the form available in that language. Subsection (b) requires the form to be signed by both the consumer and the solar salesperson. Subsection (c) requires the information on the form to be accurate. Subsection (d) provides that the terms stated on the form are considered part of the contract. Subsection (e) specifies when the form must be provided in printed, rather than electronic, form.

The adopted new §71.42, Requirements of Contract--Right to Cancel, implements Texas Occupations Code §1806.156, which gives consumers a right to cancel solar contracts within five business days. The adopted rule establishes certain contract requirements pertaining to the right to cancel, clarifies how cancellation is communicated, and states how timeliness of cancellation is computed.

The adopted new §71.43, Educational Materials, implements Texas Occupations Code §1806.053. The rule clarifies that the Department will publish the required educational brochure on its website and that a solar salesperson must provide the brochure to a consumer at least 24 hours prior to the execution of a solar contract.

Subchapter F. Code of Conduct; Prohibited Acts

The adopted new §71.50, Code of Conduct for Solar Retailers; Duty to Supervise Solar Salespersons, consists of eight subsections. Subsection (a) makes the code of conduct for solar salespersons also applicable to solar retailers, and requires solar retailers to comply with the Act, applicable rules, and orders of the Department. Subsection (b) establishes the duties of a solar retailer in supervising salespersons, including remedial measures the solar retailer must take in response to prohibited acts. Subsection (c) specifies a solar retailer's duties regarding the processing of a solar contract cancellation. Subsections (d) and (e) establish record retention and production responsibilities. Subsection (f) establishes responsibilities related to ceasing operations. Subsection (g) establishes duties regarding responses to consumer requests. Subsection (h) requires cooperation with Department investigations. In the adopted rule, corrections were made to capitalization under subsections (b) and (f) for stylistic consistency.

The adopted new §71.51, Code of Conduct for Solar Salespersons, consists of three paragraphs. Paragraph (1) requires general compliance with the Act, applicable rules, and orders of the Department. Paragraph (2) imposes requirements of honesty, integrity, and fair dealing. Paragraph (3) requires solar salespersons to provide certain contact and registration information to consumers upon request.

The adopted new §71.52, Prohibited Acts, applies to both solar retailers and solar salespersons. Subsection (a) relates to false and misleading statements. Subsections (b) and (c) relate to specific restricted or prohibited marketing and business practices. Subsection (d) prohibits solar salespersons from operating unless they are associated with a supervising solar retailer. Subsection (e) prohibits solar retailers from failing to comply with the terms of solar contracts.

Subchapter G. Fees

The adopted new §71.60, Fees, establishes fees for the program.

Subchapter H. Enforcement

The adopted §71.71, Enforcement Authority, cites to the statutory enforcement authority.

The adopted §71.72, Administrative Penalties and Sanctions, consists of three subsections. Subsection (a) sets forth in general that a person who violates the Act, this chapter, or related orders, is subject to administrative penalties and sanctions. Subsection (b) clarifies that a person who violates statutes or rules applicable to electricians and electrical contractors may be prosecuted under those provisions in addition to the Act and this chapter. Subsection (c) implements Texas Occupations Code §1806.203 and provides that the Department may consider whether a person harmed by a violation was elderly in determining the amount of an administrative penalty. In the adopted rule, a correction was made to capitalization under subsection (c) for stylistic consistency.

The adopted §71.73, Contract Recission and Refunds, implements Texas Occupations Code §1806.207 and contains provisions related to contract recission and refunds being ordered by the Commission or the Department's executive director in response to violations of the Act or rules. Due to the changes made to §71.2, Applicability, the text of proposed §71.73(a), concerning the effective date of the rule, was stricken as redundant, and the remaining subsections in §71.73 were re-lettered in the adopted rule.

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

The Department drafted and distributed the proposed rules to persons internal and external to the agency. The proposed rules were published in the March 13, 2026, issue of the *Texas Register* (51 TexReg 1486). The Department requested public comments on the proposed rules and information related to the cost, benefit, or effect of the proposed rules, including any applicable data, research, or analysis. The public comment period closed on April 13, 2026. The Department received comments from 30 interested parties on the proposed rules. The public comments are summarized below.

A stakeholder workgroup consisting of representatives from various state agencies, industry groups, consumer interest groups, and an electric cooperative, assisted in the development of the proposed rules. The workgroup met on April 27, 2026, to review the public comments received, and the stakeholder workgroup members provided oral comments during that meeting. Following the meeting, a workgroup member who served as a representative of the Solar Energy Industry Association (SEIA) provided additional written comment. This comment recommended adoption of the proposed rules with changes and is addressed below together with SEIA's previously submitted written comments. The oral comments from the stakeholder workgroup meeting are separately summarized below.

Of the 30 written comments received, three expressed support for the proposed rules as written, 20 expressed support with requested changes, one comment expressed opposition to the entirety of the proposed rules, and six comments did not clearly state a position on the proposed rules. The twenty comments requesting changes included comments from the Texas Solar and Storage Association (TSSA), the Texas Elder Justice Coalition (TEJC), the Independent Electrical Contractors of Texas (IEC), the Solar Energy Industries Association (SEIA), the Southern Methodist University Dedman School of Law Civil Consumer Clinic (SMU), along with comments from three solar-related businesses and twelve individuals. Comments and the Department's responses are summarized below. In some cases, similar public comments are summarized together.

Comments in Support

Comment (from an individual): The commenter expressed strong support of the proposed rules, expressed that rules protecting individuals over age 65 are particularly important, and expressed that solar energy should be made readily available.

Department Response: The Department appreciates the comment in support of the proposed rules and makes no changes in response.

Comment (from two individuals): The commenters expressed support for the rules and advocated for additional legislation to protect consumers.

Department Response: The Department appreciates the comment in support of the proposed rules and makes no changes in response.

Comments Requesting Changes

Comment (TSSA): The proposed rules should be changed to require that the contract should be written in the language used in the sales presentation. Additionally, the proposed rules should permit contracts to be delivered through electronic means other than e-mail, such as web applications. The proposed rules' re-

quirements concerning delivery of printed contracts and disclosure forms are burdensome and electronic delivery should be considered sufficient. The 24-hour waiting period between the time the educational brochure is delivered and the contract is signed poses an unnecessary burden due to the fact that consumers now have five business days to cancel contracts. A requirement for a recorded welcome call should be added to the rules. Making and retaining a recording of the consumer being advised of the contract terms would help to eliminate uncertainty concerning allegations of misrepresentations. The language in §71.31 is confusing due to it appearing to exempt only contracts signed after September 1, 2025, which is the effective date of the statute but predates the date of proposed adoption of the rules. Lastly, the proposed rules should clarify the extent to which the Act and rules apply to battery storage systems.

Department Response: The Department appreciates the comment. The Department has removed a provision in §71.40 concerning the required language of the contract, partially in response to public comment and in response to concerns of the Commission, to avoid confusion or conflict with other law. The Department agrees that the language in §71.2 concerning the effective date of various rules and subchapters introduces the possibility of confusion, and has made clarifying changes to the adopted rule. The language in §71.31, however, directly tracks the statutory language in Texas Occupations Code §1806.005(a)(2)(C). The Department therefore declines to make changes to §71.31. Concerning the requirements of delivering printed contracts and disclosure forms, the restrictions on electronic completion of documents, and the required waiting period, the rules attempt to strike a necessary balance between protecting elderly and otherwise vulnerable consumers from confusion and exploitation, while not unduly burdening industry. After careful consideration and consultation with the stakeholder workgroup, the Department declines to make the requested changes. Concerning the recording of sales welcome calls, insufficient information currently exists concerning industry norms to justify the adoption of a rule at this time. Regarding battery storage systems, additional clarification may require statutory amendment. The Department declines to make changes at this time but may consider this topic for possible future rulemaking.

Comment (TEJC): The proposed rules should be strengthened through enhanced disclosure and transparency requirements, additional protections against high-pressure sales tactics, additional measures to ensure accountability and consumer affordability, and post-installation oversight. Specifically, the contracts should be provided in the language used in the sales presentation, additional requirements on font-size and simplicity of contract language should be added, the 24-hour waiting period following the educational brochure should be expanded to 72 hours, loopholes regarding electrical contractors should be closed, additional required contract terms should be added, the consumer's ability to afford the contract should be examined, and a requirement for financial counseling should be considered.

Department Response: The Department appreciates the comment. The Department has removed a provision in §71.40 concerning the required language of the contract, partially in response to public comment and in response to concerns of the Commission, to avoid confusion or conflict with other law. The Department declines to make the other requested changes. The exemption provisions pertaining to electrical contractors track statutory language. Concerning the commenter's remaining requested changes, it is important to note that the rules seek to

strike a necessary balance between consumer protection and avoiding undue burden to industry.

Comment (IEC): The commenter expressed general support for the proposed rules, but requested changes in response to concerns that electrical contractors and electricians may be unfairly subject to sanctions under both the Act and Occupations Code, Chapter 1305.

Department Response: The Department appreciates the comment. The proposed rules in question are consistent with Occupations Code §1806.208. To protect consumers, it is necessary that electricians and electrical contractors, when engaged in residential solar retail, remain subject to all applicable statutory provisions. The Department therefore declines to make changes in response to the comment.

Comments (SEIA, written and oral comments): The contract should be written in the language used in the sales presentation. The rule provisions requiring a contract term that an accompanying loan be cancelled when the solar contract is cancelled within the five-day cancellation period are unfair because the solar retailer does not control the terms of third-party loans. The proposed rules' requirements regarding electronic transactions are unduly burdensome and conflict with the Uniform Electronic Transactions Act (UETA). The proposed requirements concerning delivery of paper copies of contracts and disclosure forms are also unnecessarily burdensome. The required language in the right-to-cancel notices should track that required by other statutes that provide consumers with rights to cancel sales transactions. The 24-hour waiting period following the delivery of the educational brochure is redundant and unnecessary. The requirements regarding cessation of operations may be unenforceable under bankruptcy law. The document retention requirements should be shortened. A rule concerning the recording of welcome calls should be considered. The registration requirements for solar retailers should contain a carve-out for when licensed contractors sell the systems. An increasing number of storage-only systems are being sold and the same policy problems apply to the sale of these systems as to the sale of traditional residential solar energy systems. The rules should contain a safe harbor provision that provides for solar retailers to be deemed in substantial compliance with the rules when they maintain reasonable policies, training, and verification procedures.

Department Response: The Department appreciates the comments. The Department has removed a provision in §71.40 concerning the required language of the contract, partially in response to public comment and in response to concerns of the Commission, to avoid confusion or conflict with other law. The Department declines to make the other requested changes. Although UETA prescribes minimum requirements for electronic transactions in general, UETA does not preclude the Department from imposing additional requirements by rule that are designed to protect elderly and otherwise vulnerable consumers. Texas Occupations Code §1806.051 specifically empowers the Department to adopt rules pertaining to the form and format of contracts and disclosures. Although federal bankruptcy law may in some cases preempt state law, the proposed rules concerning cessation of business go beyond the bankruptcy context and apply when a solar retailer decides, for whatever reason, to cease operations in this state. The exemptions in the proposed rules track those of statute. The Act does not appear to empower the Department to carve out additional exemptions. The required contract term concerning loan cancellation is necessary to give full effect to a consumer's right to cancel. The rules seek to strike

a necessary balance between consumer protection and avoiding undue burden to industry. Concerning the sale of storage-only systems, regulation of these transactions would likely require a statutory change. The Department therefore declines to make changes at this time in response to this portion of the comment. Lastly, a safe harbor provision like the one requested would likely dilute the effectiveness of the specific rule requirements. The Department therefore declines to make this requested change.

Comment (SMU): The exemption under the proposed rules for solar energy systems that are sold or leased in connection with new residential construction should be limited to homes built for the purpose of resale and should not include consumers who have their own homes built. This change is consistent with the purposes of SB 1036 and would help to protect consumers. The exemption for employees of licensed electrical contractors should be restricted to licensed electricians. Electrical contractors should not be allowed to circumvent the purposes of the act using the services of unlicensed helpers to act as solar salespersons. The sales contract should be written in the language used in the sales presentation. The statement concerning the right to cancel should be on the first page of the solar contract. The contract should include the date of the transaction, a link to the section of the department's website for filing a complaint, and instructions on how to file a complaint.

Department Response: The Department appreciates the comment. The Department has removed a provision in §71.40 concerning the required language of the contract, partially in response to public comment and in response to concerns of the Commission, to avoid confusion or conflict with other law. The Department declines to make the other requested changes. The requested changes to the exemptions lack clear support from the language of the Act. The information concerning the right-to-cancel is required by the proposed rules to be in the disclosure form and to be prominently displayed in the contract. It does not appear necessary to further require the information to be on the first page of the contract. The other requested changes do not appear necessary at this time but may be considered for a future rulemaking.

Comment (from two solar-related businesses): The proposed rules should clarify that the rules do not apply to the sale of do-it-yourself kits. The Act was not intended to regulate the self-installation of solar energy systems. Because it is less expensive for a consumer to either self-install a system or choose the consumer's own installer than to use the installer suggested by a door-to-door salesperson, regulating the sale of do-it-yourself kits would increase costs to consumers.

Department Response: The Department appreciates the comment. The relevant definitions in the rules, including the definition of residential solar energy system, track the statutory language. The Act does not allow the Department to create additional exemptions. It appears that the requested changes would require a legislative change. For these reasons, the Department declines to make the requested changes.

Comment (from three individuals on behalf of a solar-related business): The insurance requirements in the proposed rules should be expanded to require errors and omissions coverage for solar salespersons.

Department Response: The Department appreciates the comment. The possibility of requiring this type of coverage was considered by the stakeholder workgroup. This type of policy generally excludes coverage for intentional acts. Because it is not

clear at this time that this type of coverage is necessary to protect consumers, the Department declines to make the requested change but may consider this for a future rulemaking.

Comment (from three individuals, two of whom commented on behalf of a solar-related business): The Department should use the services of a particular private company to perform background checks on applicants for solar salesperson registrations and to assist with other regulatory functions.

Department Response: The Department declines to make a change to the proposed rules in response to this comment. While the Department may at some point elect to contract for certain services, this does not need to be reflected in the program rules at this time.

Comment (from an individual): The proposed rules should require clarity concerning sales commissions.

Department Response: The Department appreciates the comment, but declines to make the requested change, as this does not appear necessary to protect consumers at this time. The Department may consider this for a future rulemaking if the need for this becomes apparent.

Comment (from two individuals): The commenters requested that the rules impose further requirements to ensure that warranties are properly honored.

Department Response: The Department appreciates the comment. The underlying Act does not focus on compliance with warranty terms, which are governed by other consumer protection statutes, but focuses on ensuring that transactions are conducted fairly and that consumers are adequately informed of their rights and responsibilities under the contracts. The proposed rules require that solar contracts clearly state the terms of any warranties, that solar retailers retain copies of the solar contract during and after the warranty period, and that current and former solar retailers provide the Department with contact information. These provisions are designed to enable consumers to understand and effectively exercise their warranty rights. In doing so, the rules attempt to track the purposes of the statute and pave the way for effective regulation. The Department therefore declines to make changes to these provisions.

Comment (from an individual): The rules should provide that if a solar retailer files for bankruptcy the lender will not be able to collect from the consumer.

Department's Response: The Department appreciates the comment. Although the rules do not go so far as the commenter suggests, the Department notes that Rule §71.40 requires that solar contracts include clauses that clearly set forth a consumer's remedies in the event of a default and that require the solar retailer to pay off an outstanding loan balance if cancellation is ordered by the Department after notice and a hearing. The rules attempt to strike a balance of protecting consumers while not unduly burdening industry. Therefore, the Department declines to make changes in response to this comment.

Comment (from an individual on behalf of a solar-related business): The Department should require all solar salespersons to hold a particular industry certification. The Department should additionally impose stronger background check requirements, standardize cost savings and production estimates, require recorded sales calls, require additional transparency surrounding sales commissions, require additional loan-related disclosures, create additional training requirements for salespersons, impose a mandatory installation delay beyond the five-day

cooling off period, provide for a balanced complaint system that incorporates arbitration, require a consumer "readiness check," and provide for additional accountability after installation.

Department Response: The Department appreciates the comment. Under the rules, consumers will be furnished mandatory Department-approved informational brochures and disclosure sheets. It is anticipated that the disclosure sheets will include information about financing. The rules attempt to strike a balance of protecting consumers while not unduly burdening industry. Therefore, the Department declines to make changes in response to this comment.

Comment in Opposition

Comment (from an individual): The proposed rules are detrimental to a consumer's right to choose a solar provider and impose unnecessary restrictions on businesses.

Department Response: The Department appreciates the comment. The proposed rules are necessary to implement legislation and reflect a balance between the need for consumer protection and the avoidance of unnecessary burdens. The Department declines to make changes in response to the comment.

Stakeholder Workgroup Member Comments

During the April 27, 2026, stakeholder workgroup meeting, oral comments were submitted by Pete Parsons of the Texas Solar Energy Society (TSES), Stephanie Mace of the American Association of Retired Persons (AARP), Mark Bench of SEIA, and Lauren McGee of the Office of Attorney General, Consumer Protection Division (OAG-CPD). Mr. Bench's comments on behalf of SEIA are included in the summary and response to SEIA's written comments, above.

Comment (TSES): The organization has received phone calls from concerned consumers with limited English proficiency who need help understanding contracts written in English. The contract should be made available in the consumer's preferred language. The organization also has concerns about fly-by-night installation companies who frequently change hands or take money before suddenly going out of business. The step of having to update the Department with contact information after ceasing operations is necessary to address these concerns. The organization believes that further legislative refinements may be needed to address a variety of issues, including consumer remedies against lenders.

Department Response: The Department appreciates the comments. The adopted rules include many safeguards to ensure consumers understand solar contracts and their rights under the Act. Although other consumer protection laws address the language in which contracts must be provided, the Commission declined to address this issue in the adopted rules, due to concerns of unintended consequences and regulatory burden.

Comment (AARP): The organization expressed an interest in further exploring industry standards for welcome calls and in assisting with the development of rules related to welcome calls in a future rulemaking. The organization expressed support for the provisions in the proposed rules that require printed contracts for certain elderly consumers. The organization requested that where a printed copy of a contract is required under the rules, the five-day right to cancel should not begin to run until the printed copy is delivered.

Department Response: The Department appreciates the comments and looks forward to working with all stakeholders in future

rulemakings, which may include rules to address requirements of welcome calls. Under Texas Occupations Code §1806.156, the five-day right to cancel begins when the contract is executed. Because the commencement of this period is statutory, the Department declines to deviate from this provision by rule.

Comment (OAG-CPD): The agency suggested a requirement that solar retailers make copies of contracts available on their websites in several languages.

Department Response: The Department appreciates the suggestion. Although such a rule could prove helpful to consumers, enforcement of such a rule would likely be cumbersome. The Department declines to make the requested change at this time but may consider it in a future rulemaking should it appear necessary.

Other Comments

Comment (from six individuals): The commenters generically advocated for robust regulations to protect consumers, without specifying requested changes to the proposed rules. Some of these commenters also advocated for legislative changes to increase consumer protections. Some of these commenters identified as current or former solar customers who experienced past difficulty in getting clear and straightforward information from solar retailers.

Department Response: The Department appreciates the comments. The adopted rules are designed to protect consumers, consistent with the Act, and attempt to strike a policy by doing so without unduly burdening industry. The Department is unable to make changes that require legislative changes. The Department therefore declines to make changes in response to these comments.

COMMISSION ACTION

At its meeting on May 20, 2026, the Commission adopted the proposed rules with changes to Subchapter A, §71.2 and §71.3; Subchapter C, §71.20 and §71.23; Subchapter E, §71.40; Subchapter F, §71.50; and Subchapter H, §71.72 and §71.73. These changes are explained in the Section-by-Section Summary.

SUBCHAPTER A. GENERAL PROVISIONS

16 TAC §§71.1 - 71.4

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapter 51, specifically §51.201 and §51.203, which authorize the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement Chapter 51 and any other law establishing a program regulated by the Department; and Chapter 1806, specifically §1806.051, which authorizes the Commission to adopt rules necessary to administer and enforce Chapter 1806, and §1806.052, which authorizes the Commission to establish and collect reasonable and necessary fees to administer and regulate Chapter 1806.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51 and 1806; and Business & Commerce Code, Chapters 17 and 115. 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 adopted is Senate Bill 1036, 89th Legislature, Regular Session (2025).

§71.2. *Applicability.*

(a) The provisions of Subchapters E, F, and H apply beginning September 1, 2026, the effective date of §1806.101, §1806.102, and Subchapter E of the Act.

(b) This chapter applies to an electrical contractor licensed under Texas Occupations Code, Chapter 1305, except as exempted by Subchapter D of this chapter or §1806.004 of the Act.

§71.3. Definitions.

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

(1) Act--Texas Occupations Code, Chapter 1806, the Residential Solar Retail Regulatory Act.

(2) Business days--The term means calendar days excluding weekends and legal holidays as defined by Texas Government Code §662.021.

(3) Commission--Texas Commission of Licensing and Regulation.

(4) Consumer--The term means:

(A) an individual who, for primarily personal, family, or household purposes:

(i) purchases or leases a solar energy system;

(ii) agrees to the installation of a solar energy system on the consumer's premises; or

(iii) purchases electricity generated by a solar energy system installed on the individual's premises under a power purchase agreement; or

(B) a person who would constitute a consumer under (A) if a solicited or proposed solar contract were executed.

(5) Controlling Person--The term has the meaning assigned by §1806.003 of the Act.

(6) Department--Texas Department of Licensing and Regulation.

(7) DTPA--Texas Deceptive Trade Practices-Consumer Protection Act, Subchapter E, Chapter 17, Texas Business and Commerce Code.

(8) Electric cooperative--The term has the meaning assigned by Texas Utilities Code §11.003.

(9) Electrical contractor--A person licensed as an electrical contractor under Texas Occupations Code, Chapter 1305.

(10) Installer--A person responsible for the installation of a residential solar energy system.

(11) Lease--With respect to residential solar energy systems, the term includes any arrangement in which a consumer agrees, for financial consideration, to the installation of a system on the consumer's premises without acquiring ownership of the system. The term includes a power purchase agreement.

(12) Municipally owned utility--The term has the meaning assigned by Texas Utilities Code §11.003.

(13) Person--An individual, corporation, organization, estate, trust, partnership, association, and any other legal entity.

(14) Power purchase agreement--An agreement between a consumer and a solar retailer for the consumer's purchase of electricity generated by a solar energy system not owned by the consumer, but located on the consumer's premises.

(15) Residential solar energy system--The term has the meaning assigned by §1806.002 of the Act.

(16) Residential solar retail--The term means:

(A) the sale or lease of, or an offer to sell or lease, a residential solar energy system; or

(B) a transaction involving any combination of the acts described by Paragraph (A).

(17) Solar contract--An agreement, subject to the Act, for the sale or lease of a residential solar energy system.

(18) Solar energy system--A system or configuration of solar energy devices that collects and uses solar energy to generate electricity.

(19) Solar retailer--A person who employs or otherwise contracts for the services of an individual to engage in residential solar retail on the person's behalf.

(20) Solar salesperson--An individual who engages in residential solar retail for compensation.

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

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SUBCHAPTER C. REGISTRATION OF SOLAR RETAILERS AND SALESPERSONS

16 TAC §§71.20 - 71.25

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapter 51, specifically §51.201 and §51.203, which authorize the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement Chapter 51 and any other law establishing a program regulated by the Department; and Chapter 1806, specifically §1806.051, which authorizes the Commission to adopt rules necessary to administer and enforce Chapter 1806, and §1806.052, which authorizes the Commission to establish and collect reasonable and necessary fees to administer and regulate Chapter 1806.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51 and 1806; and Business & Commerce Code, Chapters 17 and 115. 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 adopted is Senate Bill 1036, 89th Legislature, Regular Session (2025).

§71.20. Registration Requirements--Retailers.

(a) Unless registered as a solar retailer or exempt, a person must not employ or otherwise contract for the services of an individual to engage in residential solar retail on the person's behalf.

(b) To be eligible for registration as a solar retailer:

(1) the applicant must meet all applicable registration requirements of the department; and

(2) each controlling person must satisfy the department's criminal history criteria, in accordance with Texas Occupations Code §51.356 and the department's rules in 16 TAC, Chapter 60, Subchapter D.

(c) An applicant for a solar retailer registration must submit the following in the manner prescribed by the department:

(1) a completed application form;

(2) a completed criminal history questionnaire for each controlling person;

(3) the fee required under §71.60;

(4) proof of insurance required under §71.21, which may be in the form of an industry standard certificate of insurance;

(5) a phone number, mailing address, and e-mail address or website address at which consumers may reach the applicant with inquiries; and

(6) the name and department-issued registration number of each solar salesperson who will provide solar retail on the applicant's behalf, if known.

(d) A solar retailer registration may not be transferred.

§71.23. Registration Requirements--Solar Salespersons.

(a) A person must not engage in residential solar retail unless the person:

(1) is registered as a solar salesperson; and

(2) engages in solar retail on behalf of a registered solar retailer.

(b) To be eligible to register as a solar salesperson, a person must:

(1) be an individual;

(2) satisfy the department's criminal history criteria, in accordance with Texas Occupations Code §51.356 and the department's rules in Chapter 60, Subchapter D; and

(3) meet all applicable registration requirements of the department.

(c) An applicant for a solar salesperson registration must submit the following in the manner prescribed by the department:

(1) a completed application form;

(2) a completed criminal history questionnaire;

(3) the business name and registration number of the solar retailer on whose behalf the solar salesperson will engage in residential solar retail, if known; and

(4) the fee required under §71.60.

(d) A solar salesperson registration may not be transferred.

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SUBCHAPTER D. EXEMPTIONS

16 TAC §§71.30 - 71.32

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapter 51, specifically §51.201 and §51.203, which authorize the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement Chapter 51 and any other law establishing a program regulated by the Department; and Chapter 1806, specifically §1806.051, which authorizes the Commission to adopt rules necessary to administer and enforce Chapter 1806, and §1806.052, which authorizes the Commission to establish and collect reasonable and necessary fees to administer and regulate Chapter 1806.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51 and 1806; and Business & Commerce Code, Chapters 17 and 115. 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 adopted is Senate Bill 1036, 89th Legislature, Regular Session (2025).

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SUBCHAPTER E. REQUIREMENTS OF SOLAR CONTRACTS

16 TAC §§71.40 - 71.43

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapter 51, specifically §51.201 and §51.203, which authorize the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement Chapter 51 and any other law establishing a program regulated by the Department; and Chapter 1806, specifically §1806.051, which authorizes the Commission to adopt rules necessary to administer and enforce Chapter 1806, and §1806.052, which au-

thorizes the Commission to establish and collect reasonable and necessary fees to administer and regulate Chapter 1806.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51 and 1806; and Business & Commerce Code, Chapters 17 and 115. 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 adopted is Senate Bill 1036, 89th Legislature, Regular Session (2025).

§71.40. Requirements of Solar Contract--General.

(a) A solar contract must:

(1) be written in clear, understandable language that is easy to read; and understand;

(2) state the name, business address, registration number, business email address, and business phone number, of both the solar retailer and solar salesperson;

(3) prominently and in plain language set forth any energy production guarantees, the terms conditions of any warranty, and any provisions related to the rights and remedies of any party in the event of a default;

(4) provide that the installer will be a Texas-licensed electrical contractor;

(5) state the name and license number of the installer, or a list of names and license numbers of electrical contractors from which the installer will be selected;

(6) provide that the solar retailer or installer will obtain:

(A) any permit required by a government entity for the installation; and

(B) approval by the electric utility, electric cooperative, or municipally owned utility serving the person's residence of the interconnection of the residential solar energy system, if applicable;

(7) contain and prominently display all contract provisions and disclosures required by the Act and this chapter, including a statement of the consumer's right to cancel the transaction in accordance with §1806.156 of the Act and §71.42 of this chapter; and

(8) If the sale or lease of a residential solar energy system involves a third-party lender that is affiliated with or referred by the solar retailer or solar salesperson, the solar contract must include provisions:

(A) requiring the third-party lender to cancel any accompanying loan made by the third-party lender to the buyer or lessee upon the consumer's cancellation of the solar contract under §1806.156 of the Act; and

(B) requiring the solar retailer to pay the outstanding balance of the loan in the event a cancellation is ordered by the department or executive director after notice and a hearing, in accordance with §1806.207 of the Act.

(b) A solar salesperson must provide a copy of the executed solar contract to the consumer as follows.

(1) Except as provided in paragraph (2), the solar salesperson must provide a printed copy of the solar contract to the consumer at the time the contract is executed.

(2) If the contract is executed electronically, the solar salesperson may provide only an electronic copy of the contract to the consumer at the time of execution, if:

(A) the consumer provides an e-mail address for this purpose;

(B) the solar salesperson verifies that the consumer is able to access the e-mail account and view electronic documents, and;

(C) the consumer, in electronic form, consents to electronic delivery of the contract and waives the right to receive a printed copy of the contract at the time of execution.

(3) An electronic copy of a contract provided pursuant to paragraph (2) must be in portable document (.PDF) format.

(4) If a solar salesperson provides a consumer with a printed copy of the contract at the time of execution, the solar salesperson or solar retailer may also provide the consumer with an electronic courtesy copy and is not required to comply with the provisions of paragraph (2).

(5) A consumer who receives an electronic copy of the contract pursuant to paragraph (2) may later request a printed copy of the contract from the solar retailer. Upon such request, the solar retailer must deliver a printed copy of the contract to the consumer within:

(A) one business day, if the request is made within five business days of the date the contract is executed, or

(B) five business days, if the request is made at any other time.

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

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SUBCHAPTER F. CODE OF CONDUCT; PROHIBITED ACTS

16 TAC §§71.50 - 71.52

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapter 51, specifically §51.201 and §51.203, which authorize the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement Chapter 51 and any other law establishing a program regulated by the Department; and Chapter 1806, specifically §1806.051, which authorizes the Commission to adopt rules necessary to administer and enforce Chapter 1806, and §1806.052, which authorizes the Commission to establish and collect reasonable and necessary fees to administer and regulate Chapter 1806.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51 and 1806; and Business & Commerce Code, Chapters 17 and 115. 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 adopted is Senate Bill 1036, 89th Legislature, Regular Session (2025).

§71.50. Code of Conduct for Solar Retailers; Duty to Supervise Solar Salespersons.

(a) A solar retailer must comply with all provisions of §71.51, Code of Conduct for Solar Salespersons, all applicable requirements of the Act and this chapter, and all orders of the department or executive director issued in accordance with the Act or this chapter.

(b) A solar retailer must exercise reasonable supervision over all solar salespersons who perform services on the solar retailer's behalf, and must:

(1) ensure that the form and format of solar contracts prepared by the solar retailer:

(A) comply with the requirements of the Act and this chapter; and

(B) include all required disclosures required by the Act, this chapter, or other law;

(2) provide adequate training to solar salespersons to inform them of the requirements of the Act and this chapter;

(3) verify at the time of hire that all solar salespersons requiring a registration under the Act and this chapter are registered with the department; and

(4) take the following steps, where applicable in response to a violation by a solar salesperson of the Act or rules which becomes known to the solar retailer:

(A) promptly provide a consumer with accurate information to remedy false or misleading information provided by a solar salesperson; and

(B) promptly take corrective action, including at a minimum a written warning, to a solar salesperson in response to any violation, and provide remedial training reasonably necessary to prevent recurrence.

(c) When a consumer timely requests cancellation of a contract in accordance with the Act, a solar retailer must timely process the cancellation, arrange the removal of any installed equipment, and refund any monies advanced by the consumer.

(d) A solar retailer must maintain the following documents for the term of the solar contract, including the term of any warranty provided for in the solar contract, plus a period of five years:

(1) the signed disclosure form;

(2) the executed solar contract; and

(3) any documentation related to the installation of the solar energy system.

(e) A solar retailer must maintain records for each solar salesperson of the date of hire, the date of separation, and any written admonishment for a violation of the Act or this chapter during the salesperson's tenure and for five years after the salesperson's separation from the solar retailer. The solar retailer must produce the records to the department upon request.

(f) Prior to ceasing operations in this state, a solar retailer must designate a record keeper to maintain the records required by this chapter for the required time periods, designate a responsible party to honor any ongoing warranty or other obligations of the solar retailer under the original contract, if applicable, and provide the department with name

and contact information for the record keeper and designated responsible party.

(1) The solar retailer must notify the department within 30 days of any change in contact information for the designated record keeper or responsible party.

(2) The department will upon request furnish a member of the public with the record keeper and responsible party contact information provided under this subsection.

(g) Upon a request from a consumer, a solar retailer must:

(1) promptly respond to reasonable inquiries concerning a solar contract, including inquiries regarding the required cancellation procedures, installation, and the performance of other obligations under the contract;

(2) furnish the solar retailer's name and department-issued registration number and that of any solar salesperson who acts under the solar retailer's supervision; and

(3) furnish to the consumer or the consumer's designated representative, a copy of the solar contract.

(h) A solar retailer must cooperate with an investigation by the department by furnishing information or documents for inspection when directed to do so.

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

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SUBCHAPTER G. FEES

16 TAC §71.60

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapter 51, specifically §51.201 and §51.203, which authorize the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement Chapter 51 and any other law establishing a program regulated by the Department; and Chapter 1806, specifically §1806.051, which authorizes the Commission to adopt rules necessary to administer and enforce Chapter 1806, and §1806.052, which authorizes the Commission to establish and collect reasonable and necessary fees to administer and regulate Chapter 1806.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51 and 1806; and Business & Commerce Code, Chapters 17 and 115. 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 adopted is Senate Bill 1036, 89th Legislature, Regular Session (2025).

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SUBCHAPTER H. ENFORCEMENT

16 TAC §§71.71 - 71.73

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapter 51, specifically §51.201 and §51.203, which authorize the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement Chapter 51 and any other law establishing a program regulated by the Department; and Chapter 1806, specifically §1806.051, which authorizes the Commission to adopt rules necessary to administer and enforce Chapter 1806, and §1806.052, which authorizes the Commission to establish and collect reasonable and necessary fees to administer and regulate Chapter 1806.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51 and 1806; and Business & Commerce Code, Chapters 17 and 115. 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 adopted is Senate Bill 1036, 89th Legislature, Regular Session (2025).

§71.72. *Administrative Penalties and Sanctions.*

(a) If a person or entity violates any provision of the Act, any provision of this chapter, or any provision of an order of the executive director or department, proceedings may be instituted to impose administrative penalties, administrative sanctions, or both administrative penalties and sanctions in accordance with the provisions of the Act and Texas Occupations Code, Chapter 51.

(b) If a person or entity, including a licensed electrical contractor, engages in conduct that would subject the actor to disciplinary action both as provided under subsection (a), and under the provisions of Texas Occupations Code, Chapter 1305, or the rules at 16 TAC, Chapter 73 (Electricians), the person or entity is subject to disciplinary action under all applicable provisions.

(c) In accordance with §1806.203 of the Act, in determining the appropriate amount of an administrative penalty, the department may, in addition to any other factor permitted by law, consider whether any individual over the age of 65 at the time of the prohibited conduct was harmed by the conduct.

§71.73. *Contract Rescission and Refunds.*

(a) In accordance with §1806.207 of the Act, the commission or executive director may, after notice and a hearing and after finding that a violation of this chapter or a rule adopted under this chapter has occurred, order the cancellation of solar contract and the refund of any amount paid by the consumer under the solar contract.

(b) The amount of a refund ordered under this section may not exceed the amounts paid by the consumer under the solar contract.

(c) A proceeding under this section is a contested case under Texas Government Code, Chapter 2001.

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 73. ELECTRICIANS

16 TAC §§73.10, 73.21, 73.26, 73.80, 73.110 - 73.112

The Texas Commission of Licensing and Regulation (Commission) adopts amendments to existing rules at 16 Texas Administrative Code (TAC), Chapter 73, §§73.26, 73.80, 73.110, and 73.111, regarding the Electricians program, without changes to the proposed text as published in the April 10, 2026, issue of the *Texas Register* (51 TexReg 2308). These rules will not be republished.

The Commission also adopts amendments to existing rules at 16 TAC Chapter 73, §§73.10, 73.21, and a new rule at 73.112, regarding the Electricians program, with changes to the proposed text as published in the April 10, 2026, issue of the *Texas Register* (51 TexReg 2308). These rules will be republished.

EXPLANATION OF AND JUSTIFICATION FOR THE RULES

The rules under 16 TAC, Chapter 73, implement Texas Occupations Code, Chapter 1305, Electricians.

The adopted rules are necessary to address a shortage of journeyman electricians and do so by creating an accelerated pathway for graduates of an approved accelerated journeyman electrician education program ("JEEP program").

Under Texas Occupations Code §1305.155, to become a journeyman electrician, an applicant must have 8,000 hours of on-the-job training under the supervision of a master electrician and must pass an examination. The current rule at 16 TAC §73.10 defines "on-the-job training" narrowly to include only "electrical work," which is also defined restrictively by the rule. Historically, the first-time passage rate for the journeyman electrical examination has been less than 30 percent. The combined effect of the arduous on-the-job training requirements and examination policies have contributed to the current shortage of journeymen electricians. Current Department policy allows applicants to sit for the examination after completing 7,000 hours of the statutorily-required 8,000 hours of supervised on-the-job training.

Under Texas Occupations Code §51.4041(a), the Department has the authority to adopt alternative means of determining a person's eligibility for a license, including evaluating the person's education, training, or experience. Texas State Technical College has proposed to offer an intensive hands-on education program

gram to provide students with in-depth knowledge of the current National Electrical Code and to prepare them to take the journeyman electrician examination. Under the proposal, most of the instruction will occur in a laboratory setting under the direct supervision of qualified electricians. Because this type of instruction will be the functional equivalent of on-the-job training, the adopted rules redefine "on-the-job training" to include participation in this type of program. The precise number of hours each student spends to complete the program, including time practicing skills in a laboratory, will vary based on the time it takes the student to master the relevant skills.

Due to the intensive and focused nature of the instruction offered in the program, under the adopted rules, program graduates will ordinarily receive 4,000 hours of on-the-job training credit for JEEP program completion and may receive additional credit for electrical work performed for third parties in an optional cooperative education element.

Also, under the adopted rules, program graduates will be eligible to immediately sit for the journeyman electrical examination and the current policy of authorizing examination after 7,000 hours for other candidates is formalized in rule. Thus, by allowing early examination and providing on-the-job training credit for instruction received, the adopted rules provide an accelerated track to journeyman licensure under the Department's alternative qualification authority. Under the adopted rules, the Executive Director is empowered to extend the period of validity of examination results of JEEP program graduates if good cause is shown, so that the student will retain the benefit of early examination.

The adopted rules establish criteria for approval of a JEEP program and related curriculum, mechanisms for audit and inspection of programs, and set a fee for evaluation of a program for approval. Lastly, the adopted rules correct a statutory reference in a rule and make non-substantive clarifying and stylistic changes to existing rules.

SECTION-BY-SECTION SUMMARY

The adopted rules amend §73.10, Definitions. The statutory reference in paragraph (3), pertaining to the definition of "career and technology education program" is corrected to Texas Occupations Code §1305.1575(a)(1). A definition of the term "Accelerated Journeyman Electrician Education Program" is provided in new paragraph (12). Existing paragraphs (12) through (30) are renumbered as (13) through (31), respectively. The definition of "on-the-job training," currently found in paragraph (23) is moved to paragraph (24) and a sentence is added to include hours earned in the JEEP program in the definition. Additionally, throughout the section, the word "licensee" is replaced with the term "license holder" and male pronouns are replaced with gender-neutral pronouns for stylistic consistency. Lastly, the word "while," in relation to the performance of electrical sign work, is inserted in the definition of Electrical Sign Apprentice currently found in paragraph (22) and moved to paragraph (23), for clarity. The adopted rules differ from the proposed rules by adding new paragraph (32) to include a reference to the statutory definition of apprenticeship training programs.

The adopted rules amend §73.21, Licensing Requirements--Examinations. Two new subsections, (b) and (c) are inserted, and existing subsection (b) is re-lettered as (d). New subsection (b) allows applicants to sit for the journeyman electrician examination after either completing 7,000 hours of on-the-job training or completing the JEEP program. New subsection (c) allows the Executive Director, for JEEP program graduates, to extend the

period that the test results are valid, if good cause is shown. The adopted rules differ from the proposed rules by inserting language into subsection (b)(2) to provide that graduates of certain apprenticeship programs may also sit immediately for the licensing examination.

The adopted rules amend §73.26, Documentation of Required On-The-Job Training. New subsection (e) is inserted to establish when and how an applicant will receive on-the-job training credit for completion of the JEEP program, including how electrical work performed under an optional cooperative program is treated. Language is added to existing subsection (a) to recognize the exception in new subsection (e). Stylistic changes are made to the language in subsections (b) and (c) for clarity and consistency.

The adopted rules amend §73.80, Fees. Subsection (f) is amended to reflect that a \$90 fee will be charged for the evaluation of a prospective JEEP program for approval. Subsection (g) is amended to reflect that the waiver of renewal fees, currently extended to instructors in career and technology education programs for residential wiremen, will now be also extended to instructors of JEEP programs.

The adopted rules amend §73.110, Career and Technology Education Program Requirements. The phrase "residential wiremen" is added to the title of the section for clarity. New subsection (a) is inserted, with language distinguishing the program from the new JEEP program and clarifying that certain restrictions under that section do not apply to the JEEP program. Existing subsections are re-lettered.

The adopted rules amend §73.111, Compliance with Career and Technology Education Program Requirements. The phrase "residential wiremen" is added to the section title for clarity. New subsection (a) is inserted, with language clarifying that the rule does not apply to the JEEP program. Existing subsections are re-lettered.

The adopted rules add new §73.112, Accelerated Journeyman Electrician Education Program. Subsection (a) states the authority for and applicability of the section, and cites to both program statutes and the Department's alternative qualification statute as sources of authority. Subsection (b) states general requirements for the program, including that both the curriculum and program must be approved by the Department. Subsection (c) provides information related to curriculum approval. Subsection (d) states required elements of a curriculum. Subsection (e) establishes hands-on instruction requirements. Subsection (f) establishes requirements for a program to apply for approval. Subsection (g) requires an approved program to notify the Department of changes related to the program. Subsection (h) provides for audits and inspections. Subsection (i) provides for rescission of approval. Subsection (j) clarifies that denial or rescission of approval does not constitute a contested case under the Administrative Procedure Act (Texas Government Code, Chapter 2001). Subsection (k) clarifies how approval will impact current students in a program. Subsection (l) establishes how credit will be awarded and gives the Executive Director authority to award greater credit than generally provided in the subsection. In the adopted version, language concerning minimum contact hours in subsection (e) is stricken from the proposed version, and language is added to clarify that the hands-on instruction requirements apply only to the technical training curriculum. Lastly, in the adopted version, the 3,000 hours of on-the-job training credit stated in the proposed version of subsection (l)(3) is replaced with 4,000 hours, based on the Commission's finding that this amount better aligns

with the quality of the training to be received through the program and the effort necessary to complete it.

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

The Department drafted and distributed the proposed rules to persons internal and external to the agency. The proposed rules were published in the April 10, 2026, issue of the *Texas Register* (51 TexReg 2308). The Department requested public comments on the proposed rules and information related to the cost, benefit, or effect of the proposed rules, including any applicable data, research, or analysis. The public comment period closed on May 11, 2026.

The Department received comments from eleven interested parties in response to the required summary of the proposed rules, which was posted on the Department's website and distributed on March 30, 2026, the same day that the proposed rules were filed with the *Texas Register*, but before the official publication of the proposed rules and the official start of the public comment period. Subsequently, the Department received comments from 25 interested parties on the published proposed rules during the official public comment period and from thirteen interested parties after the public comment period.

In total, the Department received comments from 49 interested parties. The Department received 54 written comments. Nine oral comments were delivered by interested persons at the May 20, 2026 Commission meeting. The Department received multiple written comments from some commenters and received both oral and written comments from some commenters. Of the 49 commenters, thirteen expressed unconditional support for the proposed rules, six expressed support with requested changes, 29 expressed opposition to the proposed rules, and one comment did not express a position on the proposed rules. The commenters in support included the Texas Association of Business, Cicero Action (a public policy organization), Opportunity Austin, the Texas Association of Manufacturers, the Texas Chemistry Council, and individuals. The commenters expressing support with requested changes included Texas State Technical College (TSTC), Texas Association of Builders, Associated Builders and Contractors of Texas (ABCT), Brazosport College, Independent Electrical Contractors of Texas (IEC), and an electrical business. The commenters expressing opposition included the International Brotherhood of Electrical Workers (IBEW) Local 72, the Texas Electrical Safety Association (TESA), individuals, and an electrical business. In some cases, similar comments are combined for brevity. Because the comments received in response prior to publication of the proposed rules did not substantially differ from those received after publication, the comments will be addressed together. Comments and the Department's responses are summarized below.

Comments in Support

Comment (consolidation of oral and written comments from Texas Association of Business): Texas lacks enough licensed journeyman electricians to meet demand. Under the current system, there is a low passage rate due to candidates being inadequately prepared. The current definition of on-the-job training is too narrow and contributes to the shortage. The proposed rules are a smart, targeted reform and address the shortage without lowering safety standards.

Department Response: The Department appreciates the comments and makes no changes in response.

Comment (written from Cicero Action): The proposed rules address the shortage of qualified electricians and do not pose a risk to safety. Texas' current licensure requirements are stricter than other states. Research shows that stricter licensure requirements for electricians do not generally improve safety outcomes. The proposal will improve the building of infrastructure and consumer outcomes. Although the commenter expressed support for the rules as-is, the commenter suggested that the rules could be enhanced by establishing performance benchmarks as part of the approved JEEP curriculum, award on-the-job training credit to graduates of similar programs from out of state, and allowing a competency-exam pathway for graduates of other nontraditional programs.

Department Response: The Department appreciates the comments and makes no changes in response. The suggested enhancements do not appear necessary at this time, however, the Department may consider implementing them in a future rule-making if the need becomes apparent.

Comment (consolidation of similar written comments from two individuals): The addition of this program would be very beneficial in helping with the book learning needed to pass the examination.

Department Response: The Department appreciates the comment and makes no changes in response.

Comment (oral from Texas Association of Manufacturers): The proposed JEEP program addresses a vital workforce need. Manufacturing remains a cornerstone of the Texas economy. Texas manufacturing supports roughly 970,000 jobs and contributes \$338 billion in value to the Texas economy. Texas remains the number one manufacturing state in the United States. For Texas to remain competitive with other states, it is vital to keep up with necessary facility expansions to keep plant operations growing across the state. Shortages within the licensed electrical trade slow equipment installation, increase costs, and create uncertainty for maintenance and expansion projects. The proposed pathway addresses the shortage without lowering standards.

Department Response: The Department appreciates the comment and makes no changes in response.

Comment (consolidation of similar oral comments from two electrical businesses, written comments from an electrical business, and written comments from one individual): The proposed rules will help to maintain a skilled workforce and will increase examination pass rates. The proposed rules address the challenge posed by the current shortage of electricians in a practical and responsible way. Many additional journeyman electricians are needed due to data centers and other construction projects. The current pipeline of incoming electricians is insufficient to meet demand. TSTC has a proven track record of success. The proposed rules do not lower standards, but strengthen the pipeline of qualified individuals entering the profession.

Department Response: The Department appreciates the comment and makes no changes in response.

Comment (oral from Texas Chemistry Council): The petrochemical industry is a key driver of economic activity. Texas leads the nation in petrochemical manufacturing and exports \$50 billion of products around the world per year. The business of chemistry depends on a strong, qualified workforce. Chemical manufacturing facilities are complex, safety-critical environments that depend on the work of skilled electricians in order to expand

and safely operate. The current shortage of journeyman electricians delays plan improvements and expansions, drives up capital project costs, creates operational safety risks, and threatens the state's ability to attract investment and build the next generation of facilities. Workforce availability is one of the top factors a company will consider in choosing where to locate a facility. The JEEP program offers a responsible, structured solution and provides a meaningful accelerated pathway that will not compromise safety.

Department Response: The Department appreciates the comment and makes no changes in response.

Comment (written from Opportunity Austin): Demand for electricians in the Austin area has increased by 39 percent over the last five years and is projected to grow by an additional 20 percent by 2030. With increasing commercial construction across manufacturing, tech, data center, and other large-scale industry projects, in addition to residential construction, demand in the region may be even higher than this projection. Innovative solutions like the JEEP program are critical to addressing demand for electricians. The commenter specifically argued for an award of 3,000 hours of on-the-job training for JEEP program graduates, stating that this amount would align with the depth, structure, and outcomes of a high-quality accelerated program.

Department Response: The Department appreciates the comment and makes no changes in response. Although the proposed rules provided for a baseline of 3,000 hours of on-the-job training credit, the Commission determined at the May 20, 2026, meeting that an award of 4,000 hours would best align with quality of the training to be received through the program and the effort necessary to complete it.

Comments Requesting Changes

Comment (TSTC, consolidation of oral and written comments): The commenter expressed support for the proposed rules, but requested that the language in §73.112(e) be clarified. TSTC's proposed curriculum includes some academic and elective courses in addition to the technical training curriculum. The language in the proposed rules requiring that 80 percent of the curriculum include intensive hands-on learning should apply only to the technical training curriculum. Texas is facing a growing shortage of licensed electricians in the state. As a state agency, it is TSTC's duty to address the workforce needs of the state. Safety is a priority at TSTC, which is ensured by the supervised hands-on learning environment. The curriculum is industry-driven and overseen by an advisory committee. TSTC uses only qualified faculty. While it is true that electricians need time in the field to hone their craft, not all hours are created equal. The proposed rules are not about lowering standards but recognize the value of high-quality training.

Department Response: The Department agrees that the hands-on learning requirement should apply only to the technical training curriculum and makes a corresponding change in the adopted rules.

Comment (Texas Association of Builders): The commenter expressed general agreement with the proposed rules but requested that the amount of on-the-job training credit awarded to JEEP program graduates be expanded to 4,000 hours, and stated that doing so would better align with the depth of the program, enhance effectiveness, and recognize the value of competency-based education.

Department Response: The Department appreciates the comment. After consideration of this and all other comments, the Commission determined that the requested change should be made to generally provide JEEP program graduates with 4,000 instead of 3,000 hours of credit toward on-the-job training credit, as this amount more closely aligns with the quality of the training to be received through the program and the effort necessary to complete it.

Comment (consolidation of oral and written from ABCT): The comment mirrored that of the Texas Association of Builders and urged the award of 4,000 hours of on-the-job training credit for graduates of JEEP programs.

Department Response: The Department appreciates the comment. For the reasons cited above, the Department agrees to make the requested change.

Comment (Brazosport College): The comment requested that additional safeguards and structural enhancements be added to the rules pertaining to JEEP programs. The requested changes include a competency-based validation requirement, creating an intermediate license classification for electrical craftsmen, and incorporating additional program approval standards in rule.

Department Response: The Department appreciates the comment. The Department believes the requested changes are unnecessary at this time. The rules require intensive hands-on learning to be included in the curriculum and provide the Department with needed flexibility in approving or modifying the model curriculum based on circumstances existing at the time. The Department therefore declines to make changes in response to this comment.

Comment (IEC): The commenter requested that the proposed rules be modified to require JEEP program participants to obtain real-world experience on job sites and demonstrate that they are able to apply code and safety requirements in real-world conditions.

Department Response: The Department appreciates the comment, but declines to make changes in response to the comment at this time. Under the framework of the proposed rules, program participants will receive substantial real world on-the-job training in addition to the education they receive through the program.

Comments in Opposition

Comment (from an individual): The proposed rules provide for insufficient field experience. The purpose of field experience goes beyond knowledge of the National Electrical Code (NEC).

Department Response: The Department appreciates the comment. The JEEP program pathway provided for in the proposed rules seeks both to familiarize students with the NEC and to provide them with relevant practical skills to apply the code to real life situations. The pathway will still require extensive supervised field experience, striking a necessary policy balance. The Department therefore declines to make changes in response to this comment.

Comment (consolidation of similar comments from 22 individuals and one electrical business): Classroom instruction cannot replace the thousands of hours required to safely master the trade. Correctly applying the NEC in real world environments requires muscle memory and years of supervision. The proposed rules incentivize trade schools to flood the market with underqualified graduates, jeopardizing the public trust in the gold standard of a Texas journeyman electrician license. If the JEEP program

pathway is adopted, additional safe rails should be included in the rules, such as capping the on-the-job training credit at 1,000 hours, mandating the curriculum meet the standards applied by the United States Department of Labor to apprenticeship programs, requiring the programs to be supervised by a master electrician with five years of verifiable field experience, auditing JEEP programs and requiring, as a condition of continued approval, that program graduates meet certain benchmarks for examination pass rates.

Department Response: The Department appreciates the comment. The Department finds the proposed rules necessary to address the current shortage of journeyman electricians and low examination passage rates. It is within the Department's power under Texas Occupations Code §51.4041(a) to prescribe alternative methods of qualification. Safeguards in the proposed rules include: a requirement for each JEEP program to apply for approval and meet the Department's curriculum standards, a requirement for extensive hands-on supervision, a requirement that the instructors be licensed electricians and that any hands-on electrical work be generally supervised by a licensed master electrician, and a requirement that JEEP programs are subject to audit. The Department believes that the safeguards incorporated to the proposed rules are sufficient to protect against the potential harms identified by the commenters. The Department therefore declines to make changes in response to this comment.

Comment (from an individual): The commenter opposed the proposed rules for the reasons cited in the previous comment, and proposed two alternative solutions to address the shortage of journeyman electricians: requiring two years of formal education or setting a maximum number of years a person can hold an apprentice license without attempting to advance to the journeyman level.

Department Response: See the response to the previous comment. The Department appreciates the comment and the proposed alternatives, but notes that these alternatives would likely require legislative changes, as they impose additional qualifications beyond those prescribed by statute. The Department believes that the JEEP program pathway is the best means to address the current shortage of journeyman electricians, but is open to possibly exploring additional solutions in a future rule-making. The Department therefore declines to make changes in response to this comment.

Comment (from an individual): The proposed rules create a two-tier system, producing electricians with inconsistent skill levels and weakening industry standards. Texas already has a proven pathway through registered apprenticeship programs that combine instruction with hands-on training. The Department should address the shortages by expanding these programs.

Department Response: The Department appreciates the comment. Given the prerequisites for a JEEP program to obtain approval, which include curriculum standards and extensive hands-on training from qualified instructors, combined with the requirement for JEEP program graduates to obtain additional on-the-job training post-graduation, the Department does not agree that program graduates will be less capable than those of apprenticeship programs. The Department therefore declines to make changes in response to this comment. The Department agrees that registered apprenticeship programs provide a very valuable pathway for prospective journeyman electricians. In the adopted rules, graduates of such apprenticeship programs are also eligible to immediately sit for the journeyman electrician

examination, consistent with the treatment that JEEP program graduates will receive. The Department is open to considering, in a future rulemaking, additional measures to encourage the development of apprenticeship programs.

Comment (from three individuals): The proposed definition of "on-the-job training" is too expansive. Sitting in a classroom should not be accepted as a substitute for on-the-job training.

Department Response: Under the proposed rules, participants in the JEEP program will do far more than sit in a classroom. The program will require extensive hands-on instruction under an approved curriculum. The program is expected to impart real world skills, comparable to those one would gain at a job site, in addition to teaching the NEC. Due to the quality and characteristics of the instruction and the time and effort needed to complete the program, completion of the program falls within a reasonable definition of on-the-job training. The Department therefore declines to make changes in response to this comment.

Comment (from an individual who identified as a union member): The commenter raised the same safety and credential dilution concerns as identified by other commenters. The commenter additionally questioned what the minimum standards for JEEP program approval would be, how TDLR will enforce quality control, and how JEEP programs will be held accountable if they produce underqualified graduates.

Department Response: See the responses to above comments pertaining to safety and credential dilution concerns. The Department appreciates the comment. Under the proposed rules, the Department will prescribe minimum curriculum requirements, oversee the approval process, may conduct audits and investigations, and has the power to revoke program approval if the circumstances so warrant. The Department believes that these safeguards are appropriate to ensure adequate quality of the education experience and declines to make changes in response to this comment.

Comment (oral from TESA): There is no substitute for on-the-job training. The NEC requires that electrical work be performed by qualified persons, which are defined as individuals who have the skills, knowledge, and safety training to perform the work safely and recognize hazards. These skills cannot be gained through the classroom alone. Real competency is built through hands-on, on-the-job experience. Lowering standards to address a temporary shortage would risk weakening public safety and the integrity of the profession and would be a mistake. Instead, the Commission should consider creating a new special journeyman license for apprentices with eight years of field experience and should waive examination for those individuals. Similar systems previously existed in Texas prior to the Department's regulation of the profession.

Department Response: The Department appreciates the comment. It is important to note that hands-on instruction under qualified supervision are required elements of the proposed JEEP program. Additionally, although JEEP program graduates will receive some on-the-job training credit, they will still be required to complete substantial on-the-job training outside of the program. As such, the proposed rules strike an important balance of responsibly addressing the shortage of qualified electricians without compromising safety or quality standards. The examination serves an important purpose of ensuring that applicants are adequately familiar with and able to apply the NEC. The Department therefore declines to make changes in response to this comment.

Other Comments

Comment: The commenter mentioned having worked for fifteen years in the cell tower industry and not having received on-the-job training credit toward his journeyman electrician license. The commenter indicated that the experience is comparable to other types of electrical work.

Department Response: Although the proposed rules do seek to redefine on-the-job training for purposes of ensuring that JEEP program participants receive credit for work completed under the program, the proposed rules do not otherwise alter the scope of what types of work constitute acceptable on-the-job training. Because the requested change is beyond the intended scope of this rulemaking, the Department declines to make changes in response to this comment.

ADVISORY BOARD RECOMMENDATIONS AND COMMISSION ACTION

The topics of the proposed JEEP program and the application of the Department's alternative qualification power were discussed at the Electrical Safety and Licensing Advisory Board meetings held on January 29, 2026, and February 25, 2026. The proposed rules were developed with assistance of the education and examination workgroup and the rules workgroup assigned by the presiding officer of the advisory board. Due to time constraints, the proposed rules were not presented to the full advisory board for recommendation prior to publication in the *Texas Register* for public comment.

The Electrical Safety and Licensing Advisory Board met on May 12, 2026, to discuss the proposed rules and the public comments received. The Advisory Board did not recommend that the Commission adopt the proposed rules as published in the *Texas Register*, with or without changes.

At its meeting on May 20, 2026, the Commission adopted the proposed rules with changes to §§73.10, 73.21, and 73.112 as published in the *Texas Register*. These changes are explained in the Section-by-Section Summary.

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapters 51 and 1305, 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 1305. No other statutes, articles, or codes are affected by the adopted rules.

§73.10. Definitions.

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

(1) Assumed name--A name used by a business as defined in the Business and Commerce Code.

(2) Business affiliation--The business organization to which a master license holder's license may be assigned.

(3) Career and technology education program--An educational program, defined in Texas Occupations Code §1305.1575(a)(1), focused on electrical training and either:

(A) offered by a public high school under Subchapter F, Chapter 29, Education Code; or

(B) offered by a private high school or institution of higher education and determined by the department to be similar to a program described by subparagraph (A) of this paragraph.

(4) Employee--An individual who performs tasks assigned by the individual's employer. The employee is subject to the deduction of social security and federal income taxes from the employee's pay. An employee may be full time, part time, or seasonal.

(5) Employer--One who employs the services of employees, pays their wages, deducts the required social security and federal income taxes from the employee's pay, and directs and controls the employee's performance.

(6) Filed--A document is deemed to have been filed with the department on the date that the document has been received by the department or, if the document has been mailed to the department, the date a postmark is applied to the document by the U.S. Postal Service.

(7) General Supervision--Exercise of oversight by a master electrician on behalf of an electrical contractor, or electrical sign contractor, or by a master sign electrician on behalf of an electrical sign contractor of performance by all classes of electrical license holders of electrical work bearing responsibility for the work's compliance with applicable codes under Texas Occupations Code, Chapter 1305.

(8) On-Site Supervision--Exercise of supervision of electrical work or electrical sign work by a licensed individual other than an electrical apprentice. Continuous supervision of an electrical apprentice is not required, though the on-site supervising license holder is responsible for review and inspection of the electrical apprentice's work to ensure compliance with any applicable codes or standards.

(9) Electrical Contractor--A person or entity, licensed as an electrical contractor, that is in the business of performing "Electrical Contracting" as defined by Texas Occupations Code, §1305.002(5).

(10) Master Electrician--An individual, licensed as a master electrician, who on behalf of an electrical contractor, electrical sign contractor, or employing governmental entity, performs "Electrical Work" as defined by Texas Occupations Code, §1305.002(11).

(11) Journeyman Electrician--An individual, licensed as a journeyman electrician, who works under the general supervision of a master electrician, on behalf of an electrical contractor, or employing governmental entity, while performing "Electrical Work" as defined by Texas Occupations Code, §1305.002(11).

(12) Accelerated Journeyman Electrician Education Program--A program approved by the department as provided under §73.112 of this chapter, designed to prepare an individual to pass the required examination and for rapid entry into the profession of journeyman electrician.

(13) Electrical Apprentice--An individual, licensed as an apprentice who works under the on-site supervision of a master electrician, journeyman electrician, or residential wireman, on behalf of an electrical contractor or employing governmental entity performing "Electrical Work" as defined by Texas Occupations Code, §1305.002(11).

(14) Electrical Sign Contractor--A person, or entity, licensed as an electrical sign contractor, that is in the business of performing "Electrical Sign Contracting" as defined by Texas Occupations Code, §1305.002(9).

(15) Institution of higher education--An "institution of higher education" or a "private or independent institution of higher education," as those terms are defined by §61.003, Education Code.

(16) Master Sign Electrician--An individual, licensed as a master sign electrician, who, on behalf of an electrical sign contractor, performs "Electrical Sign Work" as defined in paragraph (21).

(17) Journeyman Sign Electrician--An individual, licensed as a journeyman sign electrician, who works under the general supervision of a master electrician or a master sign electrician, on behalf of an electrical sign contractor, while performing "Electrical Sign Work" as defined in paragraph (21).

(18) Residential Wireman--An individual, licensed as a residential wireman, who works under the general supervision of a master electrician, on behalf of an electrical contractor, or employing governmental entity, while performing electrical work that is limited to electrical installations in single family and multifamily dwellings not exceeding four stories, as defined by Texas Occupations Code, §1305.002(13).

(19) Maintenance Electrician--An individual, licensed as a maintenance electrician, who works under the general supervision of a master electrician, on behalf of an electrical contractor, or employing governmental entity while performing "Electrical Maintenance Work" as defined in paragraph (20).

(20) Electrical Maintenance Work--The replacement, or repair of existing electrical appurtenances, apparatus, equipment, machinery, or controls used in connection with the use of electrical energy in, on, outside, or attached to a building, residence, structure, property, or premises. All replacements or repairs must be of the same rating and type as the existing installation. No improvements may be made that are necessary to comply with applicable codes under Texas Occupations Code, Chapter 1305. Electrical maintenance work does not include the installation of any new electrical appurtenances, apparatus, equipment, machinery, or controls beyond the scope of any existing electrical installation.

(21) Electrical Sign Work--Any labor or material used in manufacturing, installing, maintaining, extending, connecting or re-connecting an electrical wiring system and its appurtenances, apparatus or equipment used in connection with signs, outline lighting, awnings, signals, light emitting diodes, and the repair of existing outdoor electric discharge lighting, including parking lot pole lighting. This also includes the installation of an electrical service integral to an isolated sign and/or outline lighting installation.

(22) Work Involved in the Manufacture of Electrical Equipment--Work involved in the manufacture of electrical equipment includes on and off-site manufacture, commissioning, testing, calibration, coordination, troubleshooting, evaluation, repair or retrofits with components of the same ampacity, maintenance and servicing of electrical equipment within their enclosures performed by authorized employees, or authorized representatives of electrical equipment manufacturers and limited to the type of products they manufacture.

(23) Electrical Sign Apprentice--An individual, licensed as an electrical sign apprentice who works under the on-site supervision of a master electrician, a master sign electrician, or a journeyman sign electrician, on behalf of an electrical sign contractor while performing "Electrical Sign Work" as defined by this chapter.

(24) On-the-job Training--Training or experience gained under the supervision of an appropriate license holder, as prescribed by Texas Occupations Code Chapter 1305, while performing electrical work as defined by Texas Occupations Code, §1305.002(11). The term includes hours earned toward on-the-job training requirements through an accelerated journeyman electrician education program, where permitted by rule.

(25) Residential Appliance Installer--An individual, licensed as a residential appliance installer, who on behalf of a residential appliance installation contractor, performs electrical work that is limited to residential appliance installation including residential pool-related electrical installation and maintenance as defined by Texas Occupations Code, §1305.002(12-b).

(26) Residential Appliance Installation Contractor--A person or entity licensed as a residential appliance installation contractor, that is in the business of residential appliance installation including pool-related electrical installation and maintenance as defined by Texas Occupations Code §1305.002(12-d).

(27) Residential Appliance--Electrical equipment that performs a specific function, and is installed as a unit in a dwelling by direct connection to an existing electrical circuit, such as water heaters, kitchen appliances, or pool-related electrical device. The term does not include general use equipment such as service equipment, other electrical power production sources, or branch circuit overcurrent protection devices not installed in the listed appliance or listed pool-related electrical device.

(28) Offer to perform--To make a written or oral proposal, to contract in writing or orally to perform electrical work or electrical sign work, to advertise in any form through any medium that a person or business entity is an electrical contractor, electrical sign contractor, or residential appliance installation contractor or that implies in any way that a person or business entity is available to contract for or perform electrical work, electrical sign work, or residential appliance installation work.

(29) Electro Mechanical Integrity--The condition of an electrical product, electrical system, or electrical equipment installed in accordance with its intended purpose and according to standards at least as strict as the standards provided by the National Electrical Code, the manufacturer's specifications, any listing or labeling on the product, and all other applicable codes or ordinances.

(30) Journeyman Lineman--An individual who engages in electrical work involving the maintenance and operation of equipment associated with the transmission and distribution of electricity from the electricity's original source to a substation for further distribution.

(31) Journeyman Industrial Electrician--An individual who engages in electrical work exclusively at a business that operates a chemical plant, petrochemical plant, refinery, natural gas plant, natural gas treating plant, pipeline, or oil and gas exploration and production operation.

(32) Apprenticeship training program--has the meaning assigned by Texas Occupations Code §1305.002(1-b).

§73.21. Licensing Requirements--Examinations.

(a) To obtain a license by examination issued under this chapter:

(1) An individual applicant must submit a completed application, all necessary documentation, and appropriate fees to the Texas Department of Licensing and Regulation for review and determination of examination eligibility.

(2) An individual applicant must achieve a passing score on an examination approved by the executive director of the Texas Department of Licensing and Regulation.

(b) To be eligible to sit for examination as a journeyman electrician, an applicant must:

(1) Complete 7,000 hours of the on-the-job training required under Texas Occupations Code §1305.155; or

(2) Have completed an approved accelerated journeyman electrician education program under §73.112 or an apprenticeship training program and submitted an application on a form prescribed by the department to establish eligibility.

(c) The Executive Director may for good cause shown extend the expiration period under §60.56 of the validity of examination results of an applicant who is approved to take an examination under subsection (b)(2) of this section.

(d) To obtain a license without examination, an applicant must have been licensed for the preceding year by a municipality or regional licensing authority that has terminated its licensing program and have applied for a state issued license within ninety days of the date the program stopped issuing or renewing licenses.

§73.112. *Accelerated Journeyman Electrician Education Program.*

(a) Authority and Applicability. This section is adopted under the authority of Texas Occupations Code, §§51.4041(a), 1305.102, and 1305.152. This section applies to approved programs, to students in these programs, and to prospective programs seeking approval as an accelerated journeyman electrician education program.

(b) General Requirements. Applicants for licensure as journeymen electricians may receive credit toward the on-the-job training requirements of Texas Occupations Code §1305.155 under this section for completion of an accelerated journeyman electrician education program approved by the department under this section. Both the individual program and the curriculum must be approved by the department. The department may consult with the advisory board in determining whether to approve a program or curriculum.

(c) Department approval of curriculum. The department may approve a generally required curriculum for use by programs under this section. Upon approval of a curriculum, the department will publish the curriculum on the department's website. The department may revise the curriculum at any time and, in evaluating a program for approval, may approve variations from the generally approved curriculum.

(d) Required elements of curriculum. The curriculum must include extensive training on the current National Electrical Code, electrical safety, methods of electrical work, and compliance with Texas Occupations Code, Chapter 1305 and this chapter. All instruction must be provided by a qualified journeyman or master electrician licensed in this state.

(e) Hands-on training. The curriculum must include intensive hands-on training in a laboratory or similar environment. At least 80 percent of the technical training curriculum must incorporate a significant hands-on training element. Any hands-on training must be generally supervised by a master electrician licensed in this state.

(f) Approval of program required. A person seeking to offer a program under this section must request approval by:

- (1) submitting the request in a manner prescribed by the department;
- (2) providing copies of course materials requested by the department;
- (3) providing the names and license numbers of all electricians who will be supervising or instructing students; and
- (4) paying the applicable fee.

(g) An approved program must immediately notify the department of any substantial change to the program.

(h) The department may audit an approved program, inspect the facility in which instruction occurs, and demand the production of

records related to the instruction of students. Failure of a program to cooperate with an audit or inspection is grounds for a finding that the program no longer complies with department requirements.

(i) Upon a finding that an approved program does not substantially comply with department requirements, the department may rescind its approval.

(j) A determination or decision under this section is not a contested case under Texas Government Code, Chapter 2001, and may not be appealed.

(k) Effect of program approval. Unless otherwise ordered by the Executive Director, the approval of a program under this section applies to all students enrolled in the program, including those who began participation prior to program approval.

(l) Credit toward on-the-job training requirements.

(1) The Executive Director may order the award of on-the-job training credit hours in a manner that exceeds the amount otherwise prescribed by this section.

(2) Unless otherwise ordered by the Executive Director, applicants who begin but fail to complete a program will not receive credit for program hours completed. This exclusion does not apply to properly supervised electrical work performed in an optional cooperative program under the auspices of a program under this section.

(3) A graduate of a program established under this section will receive credit of 4,000 hours toward the on-the-job training requirements of Texas Occupations Code §1305.155. The department will credit these hours both toward the journeyman license application and any subsequent applications for a master electrician license.

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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Deanne Rienstra

General Counsel

Texas Department of Licensing and Regulation

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For further information, please call: (512) 463-7750



CHAPTER 97. MOTOR FUEL METERING AND QUALITY

The Texas Commission of Licensing and Regulation (Commission) adopts the repeal of an existing rule at 16 Texas Administrative Code (TAC), Chapter 97, Subchapter A, §97.1, new rules at Subchapter A, §97.1; Subchapter B, §97.32; Subchapter C, §97.44 and §97.45; and Subchapter D, §97.61, and amendments to existing rules at Subchapter A, §97.2 and §97.3; Subchapter B, §97.29 and §97.30; Subchapter C, §§97.40, 97.42, 97.43; Subchapter D, §97.58 and §97.59; and Subchapter E, §97.71, regarding the Motor Fuel Metering and Quality program, without changes to the proposed text as published in the February 13, 2026, issue of the *Texas Register* (51 TexReg 805). These rules will not be republished.

EXPLANATION OF AND JUSTIFICATION FOR THE RULES

The rules under 16 TAC, Chapter 97, implement Texas Occupations Code, Chapter 2310, Texas Business and Commerce Code, Chapters 607 and 607A, and Texas Government Code, Chapter 426.

The adopted rules are necessary to implement Senate Bill (SB) 246, 88th Legislature, Regular Session (2023), SB 2371, 89th Legislature, Regular Session (2025), and House Bill (HB) 4690, 89th Legislature, Regular Session (2025), which amend state law regarding motor fuel quality and testing standards, stop-sale orders, and skimmer reporting requirements for service technicians.

SECTION-BY-SECTION SUMMARY

The adopted rules repeal existing §97.1, Authority. The provisions in this repealed rule have been updated and supplemented under new §97.1, Authority.

The adopted rules add new §97.1, Authority. This new rule includes provisions from existing §97.1, which is being repealed, and updates and supplements the existing authority by adding Texas Business and Commerce Code, Chapter 607A, and Texas Government Code, Chapter 426, to the list of applicable statutes authorizing the rules under Chapter 97.

The adopted rules amend §97.2, Definitions, by adding a definition for "Center"; amending the definitions for "Device," "Operator," and "Test standard" to remove references to "weighing" and "weight"; amending the definition for "Tamper-evident security" to correct punctuation; adding a definition for "Electronic terminal;" amending the definition for "Skimmer" to reference newly passed legislation, and renumbering the remaining provisions accordingly.

The adopted rules amend §97.3, Adoption of Standards by Reference, by removing and adding standards adopted by reference to bring the rules in line with the requirements of HB 4690; noting statutory exceptions to motor fuel quality standards; adopting standards for the collecting, sampling, and handling of motor fuel; and renumbering sections accordingly.

The adopted rules amend §97.29, Detection and Reporting of Skimmers, by removing the term "Payment Card" from the section title so that it reads "Detection and Reporting of Skimmers." The adopted rules also clarify that the section applies to skimmers on or in devices as defined by the adopted rules.

The adopted rules amend §97.30, Unauthorized Removal of Skimmers Prohibited, to clarify that the section applies to skimmers on or in devices as defined by the adopted rules.

The adopted rules add new §97.32, Device Specifications and Tolerances, to set the specifications and tolerances for devices under these adopted rules to be the same as the most recently adopted National Institute of Standards and Technology (NIST) standards, as required by HB 4690.

The adopted rules amend §97.40, Distributor, Supplier, Wholesaler--Certificate of Compliance, by removing the term "Jobber" from the section title so that it reads "Distributor, Supplier, Wholesaler--Certificate of Compliance" and removing the term "jobber" from the rule text.

The adopted rules amend §97.42, Stop-Sale Order; Appeal; Remediation, by revising the section title from "Stop-Sale Order" to "Stop-Sale Order; Appeal; Remediation"; amending subsection (a) to allow the Department, with the approval of the executive director, to issue a stop-sale order; amending subsection (b) to include offering to sell motor fuel as an act prohibited by a

stop-sale order and to clarify that a stop-sale order is lifted if a dealer or operator prevails in an appeal of the order; and adding new subsection (c) to clarify the process for issuance of a remediation plan to violators following a stop-sale order and to explain the factors the Department may consider when lifting a stop-sale order.

The adopted rules amend §97.43, Fuel Delivery Records, to remove the term "jobbers" from the rule text.

The adopted rules add new §97.44, Methods and Procedures for Collecting, Sampling, and Handling Motor Fuel. The adopted new rule requires the Department or an authorized representative of the Department to collect, sample, and handle motor fuel following the methods and procedures set out in the applicable standards as prescribed under new §97.3(5) and subject to the needs of the Department.

The adopted rules add new §97.45, Methods and Procedures for Testing Motor Fuel Quality. The adopted new rule requires the Department or an authorized representative of the Department to test motor fuel according to the applicable standards as prescribed by §97.3(2).

The adopted rules amend §97.58, Test Standards and Laboratories, by revising the section title from "Test Standards" to "Test Standards and Laboratories"; and adding new subsection (d) to provide that a metrology laboratory certified by the NIST is approved by the Department to inspect and correct the standards for motor fuel used to perform device maintenance activities.

The adopted rules amend §97.59, Inspection for Skimmers, by removing the term "Payment Card" from the section title so that it reads "Inspection for Skimmers."

The adopted rules add new §97.61, Reporting Skimmers on Electronic Terminals. The adopted new rule requires service technicians, or the service company that employs them, to notify owners or operators of the presence of skimmers on electronic terminals and report the skimmer to the Financial Crimes Intelligence Center (FCIC).

The adopted rules amend §97.71, Distributor, Wholesaler, and Supplier Fees, by removing the term "jobber" from the section title so that it reads "Distributor, Wholesaler, and Supplier Fees"; removing the term "jobber" from the rule text; and renumbering the remaining provisions accordingly.

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

The Department drafted and distributed the proposed rules to persons internal and external to the agency. The proposed rules were published in the February 13, 2026, issue of the *Texas Register* (51 TexReg 805). The Department requested public comments on the proposed rules and information related to the cost, benefit, or effect of the proposed rules, including any applicable data, research, or analysis. The public comment period closed on March 16, 2026. The Department received comments from one interested party on the proposed rules. The public comment is summarized below.

Comment: The Texas Food and Fuel Association (TFFA) commented to suggest: (1) alternate language to adopt standards by reference; (2) reduction of the time a retailer must wait before removing a skimmer; and (3) various revisions to §97.42 relating to stop-sale orders, including limiting their scope, adding evidentiary requirements, allowing additional proof of compliance, and removing the proposed remediation provision.

Department Response: The Department appreciates TFFA's comments but disagrees and declines to make changes. (1) The proposed standards-by-reference language is necessary to implement statutory requirements for adoption of applicable ASTM standards and related testing provisions. (2) The Department declines to revise the skimmer removal timeframe because the existing requirement supports coordination with law enforcement and preservation of evidence, and the requested change is outside the scope of this rulemaking. (3) The Department declines to revise §97.42 because the proposed rule is consistent with Texas Occupations Code §2310.060, which authorizes stop-sale orders for violations involving motor fuel or motor fuel metering devices, and the requested changes would conflict with statute, add limitations not found in statute, or unnecessarily restrict the Department's enforcement authority. After consultation with the Motor Fuel Metering and Quality Advisory Board, the Department did not make any changes to the proposed rules in response to the comment.

ADVISORY BOARD RECOMMENDATIONS AND COMMISSION ACTION

The Motor Fuel Metering and Quality Advisory Board met on April 8, 2026, 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 May 20, 2026, the Commission adopted the proposed rules as published in the *Texas Register*.

SUBCHAPTER A. GENERAL PROVISIONS

16 TAC §97.1

STATUTORY AUTHORITY

The adopted repeal is adopted under Texas Occupations Code, Chapters 51 and 2310, Texas Business and Commerce Code Chapters 607 and 607A, and Texas Government Code Chapter 426, 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 repeal are those set forth in Texas Occupations Code, Chapters 51 and 2310, Texas Business and Commerce Code Chapters 607 and 607A, and Texas Government Code Chapter 426.

The legislation that enacted the statutory authority under which the adopted repeal is adopted is SB 246, 88th Legislature, Regular Session (2023), SB 2371, 89th Legislature, Regular Session (2025), and HB 4690, 89th Legislature, Regular Session (2025).

No other statutes, articles, or codes are affected by the adopted repeal.

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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Deanne Rienstra
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For further information, please call: (512) 463-7750

16 TAC §§97.1 - 97.3

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapters 51 and 2310, Texas Business and Commerce Code Chapters 607 and 607A, and Texas Government Code Chapter 426, 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 2310, Texas Business and Commerce Code Chapters 607 and 607A, and Texas Government Code Chapter 426.

The legislation that enacted the statutory authority under which the adopted rules are adopted is SB 246, 88th Legislature, Regular Session (2023), SB 2371, 89th Legislature, Regular Session (2025), and HB 4690, 89th Legislature, Regular Session (2025).

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.

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SUBCHAPTER B. MOTOR FUEL METERING DEVICES

16 TAC §§97.29, 97.30, 97.32

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapters 51 and 2310, Texas Business and Commerce Code Chapters 607 and 607A, and Texas Government Code Chapter 426, 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 2310, Texas Business and Commerce Code Chapters 607 and 607A, and Texas Government Code Chapter 426.

The legislation that enacted the statutory authority under which the adopted rules are to be adopted is SB 246, 88th Legislature, Regular Session (2023), SB 2371, 89th Legislature, Regular Session (2025), and HB 4690, 89th Legislature, Regular Session (2025).

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.

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Deanne Rienstra

General Counsel

Texas Department of Licensing and Regulation

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SUBCHAPTER C. SALE, DELIVERY, AND QUALITY OF MOTOR FUEL

16 TAC §§97.40, 97.42 - 97.45

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapters 51 and 2310, Texas Business and Commerce Code Chapters 607 and 607A, and Texas Government Code Chapter 426, 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 2310, Texas Business and Commerce Code Chapters 607 and 607A, and Texas Government Code Chapter 426.

The legislation that enacted the statutory authority under which the adopted rules are to be adopted is SB 246, 88th Legislature, Regular Session (2023), SB 2371, 89th Legislature, Regular Session (2025), and HB 4690, 89th Legislature, Regular Session (2025).

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.

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SUBCHAPTER D. SERVICE COMPANIES AND SERVICE TECHNICIANS

16 TAC §§97.58, 97.59, 97.61

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapters 51 and 2310, Texas Business and Commerce Code Chapters 607 and 607A, and Texas Government Code Chapter 426, 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 2310, Texas Business and Commerce Code Chapters 607 and 607A, and Texas Government Code Chapter 426.

The legislation that enacted the statutory authority under which the adopted rules are to be adopted is SB 246, 88th Legislature, Regular Session (2023), SB 2371, 89th Legislature, Regular Session (2025), and HB 4690, 89th Legislature, Regular Session (2025).

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.

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SUBCHAPTER E. FEES

16 TAC §97.71

STATUTORY AUTHORITY

The adopted rule is adopted under Texas Occupations Code, Chapters 51 and 2310, Texas Business and Commerce Code Chapters 607 and 607A, and Texas Government Code Chapter 426, 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 rule are those set forth in Texas Occupations Code, Chapters 51 and 2310, Texas Business and Commerce Code Chapters 607 and 607A, and Texas Government Code Chapter 426.

The legislation that enacted the statutory authority under which the adopted rule is to be adopted is SB 246, 88th Legislature, Regular Session (2023), SB 2371, 89th Legislature, Regular Session (2025), and HB 4690, 89th Legislature, Regular Session (2025).

No other statutes, articles, or codes are affected by the adopted rule.

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

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For further information, please call: (512) 463-7750



CHAPTER 118. LASER HAIR REMOVAL

The Texas Commission of Licensing and Regulation (Commission) adopts amendments to existing rules at 16 Texas Administrative Code (TAC), Chapter 118, Subchapter A, §118.3; Subchapter B, §118.12 and §118.13; Subchapter C, §§118.26, 118.28, and 118.29; Subchapter F, §118.50; and Subchapter H, §118.70, regarding the Laser Hair Removal program, without changes to the proposed text as published in the March 6, 2026, issue of the *Texas Register* (51 TexReg 1364). These rules will not be republished.

EXPLANATION OF AND JUSTIFICATION FOR THE RULES

The rules under 16 TAC, Chapter 118, implement Health and Safety Code Chapter 401.

The adopted rules are necessary to implement Senate Bill (SB) 748, 89th Legislature, Regular Session (2025), specifically, Section 2. These adopted rules also include grammatical changes and other changes recommended by Department staff during the Department's four-year rule review of Chapter 118.

The adopted rules remove size and font size requirements from the warning signs required to be posted at laser hair removal facilities and remove the requirement that the signage include verbiage about the hazards of electromagnetic radiation.

The adopted rules also clarify that an applicant for an apprentice-in-training certification must submit proof of successful completion of a training program approved by the department covering the topics listed in §118.26(a)(3) in addition to §118.26(a)(2).

Finally, the adopted rules amend a consistent grammatical error in Chapter 118 by changing all references from "a LHR facility" to "an LHR facility."

SECTION-BY-SECTION SUMMARY

Subchapter A. General Provisions

The adopted rules amend §118.3, Definitions. The adopted rules correct a consistent grammatical error in Chapter 118 by changing all references from "a LHR facility" to "an LHR facility."

Subchapter B. Laser Hair Removal Facility

The adopted rules amend §118.12, LHR Facility--Responsibilities; and §118.13, LHR Facility--Consulting Physician. The adopted rules amend §118.12(k) by removing size and font size requirements from the warning signs required to be posted at laser hair removal facilities. The adopted rules also remove the

requirement that the signage include verbiage about the hazards of electromagnetic radiation and update the Department's current contact phone number for complaints.

The adopted rules also correct a consistent grammatical error in Chapter 118 by changing all references from "a LHR facility" to "an LHR facility."

Subchapter C. Laser Hair Removal Individual Certification

The adopted rules amend §118.26, LHR Individual Certification--Apprentice-in-Training; §118.28, LHR Individual Certification--Senior LHR Technician; and §118.29, LHR Individual Certification--LHR Professional. The adopted rules amend §118.26(b) by clarifying that an applicant for an apprentice-in-training certification must submit proof of successful completion of a training program approved by the department covering the topics listed in §118.26(a)(3) in addition to §118.26(a)(2).

The adopted rules also correct a consistent grammatical error in Chapter 118 by changing all references from "a LHR facility" to "an LHR facility."

Subchapter F. Laser Hair Removal Devices

The adopted rules amend §118.50, LHR Devices--General and Operating Requirements. The adopted rules correct a consistent grammatical error in Chapter 118 by changing all references from "a LHR facility" to "an LHR facility."

Subchapter H. Fees

The adopted rules amend §118.70, Fees. The adopted rules correct a consistent grammatical error in Chapter 118 by changing all references from "a LHR facility" to "an LHR facility."

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

The Department drafted and distributed the proposed rules to persons internal and external to the agency. The proposed rules were published in the March 6, 2026, issue of the *Texas Register* (51 TexReg 1364). The Department requested public comments on the proposed rules and information related to the cost, benefit, or effect of the proposed rules, including any applicable data, research, or analysis. The public comment period closed on April 6, 2026.

The Department received comments from one interested party in response to the required summary of the proposed rules, which was posted on the Department's website and distributed on February 19, 2026, the same day that the proposed rules were filed with the *Texas Register*, but before the official publication of the proposed rules and the official start of the public comment period. The Department did not receive any comments from interested parties on the published proposed rules during the official public comment period.

Comments in Response to the Posted Summary

Comment: The first comment, submitted by an individual, was in favor of the proposed rules. The comment requested that the "postings" remain visible indicating the potential risks. This commenter also requested that individuals performing laser hair removal be licensed and certified in the state in which those individuals perform procedures.

Department Response: The Department appreciates this comment in support of the proposed rules. In its review of this comment, the Department observes that (1) it is not clear which section of the rule package the comment refers to in regards to "post-

ings," as this term does not appear in the proposed rules; and (2) all individuals performing laser hair removal procedures in the state of Texas must be licensed and certified (subject to certain specific exceptions). Thus, the Department did not make any changes to the proposed rules because of this comment.

COMMISSION ACTION

At its meeting on May 20, 2026, the Commission adopted the proposed rules as published in the *Texas Register*.

SUBCHAPTER A. GENERAL PROVISIONS

16 TAC §118.3

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapter 51, which authorizes the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement that chapter and any other law establishing a program regulated by the Department. The adopted rules are also adopted under 16 TAC, Chapter 118. The statutory provisions affected by the adopted rules are those set forth in Health and Safety Code, Chapter 401. 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 748, 89th Legislature, Regular Session (2025).

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

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Deanne Rienstra

General Counsel

Texas Department of Licensing and Regulation

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For further information, please call: (512) 463-7750



SUBCHAPTER B. LASER HAIR REMOVAL FACILITY

16 TAC §118.12, §118.13

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapter 51, which authorizes the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement that chapter and any other law establishing a program regulated by the Department. The adopted rules are also adopted under 16 TAC, Chapter 118. The statutory provisions affected by the adopted rules are those set forth in Health and Safety Code, Chapter 401. 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 748, 89th Legislature, Regular Session (2025).

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

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Deanne Rienstra

General Counsel

Texas Department of Licensing and Regulation

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For further information, please call: (512) 463-7750



SUBCHAPTER C. LASER HAIR REMOVAL INDIVIDUAL CERTIFICATION

16 TAC §§118.26, 118.28, 118.29

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapter 51, which authorizes the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement that chapter and any other law establishing a program regulated by the Department. The adopted rules are also adopted under 16 TAC, Chapter 118. The statutory provisions affected by the adopted rules are those set forth in Health and Safety Code, Chapter 401. 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 748, 89th Legislature, Regular Session (2025).

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Deanne Rienstra

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SUBCHAPTER F. LASER HAIR REMOVAL DEVICES

16 TAC §118.50

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapter 51, which authorizes the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement that chapter and any other law establishing a program regulated by the Department. The adopted rules are also adopted under 16 TAC, Chapter 118. The statutory provisions affected by the adopted rules are those

set forth in Health and Safety Code, Chapter 401. 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 748, 89th Legislature, Regular Session (2025).

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SUBCHAPTER H. FEES

16 TAC §118.70

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapter 51, which authorizes the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement that chapter and any other law establishing a program regulated by the Department. The adopted rules are also adopted under 16 TAC, Chapter 118. The statutory provisions affected by the adopted rules are those set forth in Health and Safety Code, Chapter 401. 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 748, 89th Legislature, Regular Session (2025).

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TITLE 25. HEALTH SERVICES

PART 9. TEXAS DIABETES COUNCIL

CHAPTER 651. CONDUCT OF COUNCIL MEETINGS

25 TAC §§651.1 - 651.5

The Texas Diabetes Council (TDC) adopts amendments to §651.1, concerning Introduction; §651.2, concerning Applicability of Texas Open Meetings Act; §651.3, concerning Notice of Meetings; §651.4, concerning Transaction of Business; and §651.5 concerning Public Participation.

Sections 651.1 - 651.5 are adopted without changes to the proposed text as published in the March 20, 2026, issue of the *Texas Register* (51 TexReg 1792). These rules will not be republished.

BACKGROUND AND JUSTIFICATION

The amendments are make necessary updates to the rules that were identified during the rule review required by Texas Government Code Chapter §2001.039. The amendments include updating the reference of appropriate statute, clarifying the role DSHS has in providing administrative support, specifying voting eligibility, and updating public participation best practice.

COMMENTS

The 31-day comment period ended April 20, 2026.

During this period, the TDC did not receive any comments regarding the proposed amendments.

STATUTORY AUTHORITY

The amendments are authorized by Texas Health and Safety Code Chapter 103, which provides the TDC will adopt rules for the conduct of its meetings.

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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Chris Carmona

Texas Diabetes Council Chair

Texas Diabetes Council

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Proposal publication date: March 20, 2026

For further information, please call: (512) 695-3846



TITLE 31. NATURAL RESOURCES AND CONSERVATION

PART 2. TEXAS PARKS AND WILDLIFE DEPARTMENT

CHAPTER 57. FISHERIES

SUBCHAPTER A. HARMFUL OR POTENTIALLY HARMFUL FISH, SHELLFISH, AND AQUATIC PLANTS

31 TAC §57.114, §57.129

The Texas Parks and Wildlife Commission in a duly noticed meeting on March 26, 2026, adopted amendments to 31 TAC §57.114 and new §57.129, concerning Harmful or Potentially Harmful Exotic Fish, Shellfish, and Aquatic Plants. Section 57.129 is adopted with changes to the proposed text as published in the December 19, 2025, issue of the *Texas Register*

(50 TexReg 8167) and will be republished. Section 57.114 is adopted without change and will not be republished.

The change to §57.129 enlarges the proposed exclusion zone delineated in proposed subsection (a)(2) and adds new subsection (e) to create an annual inspection requirement for facilities permitted to culture dotted duckweed. Following expert testimony during deliberation of the rules, the commission determined that it would be prudent to strengthen measures intended to minimize the risk of escapement of dotted duckweed from permitted facilities. The rule as proposed delineated an exclusion zone within which permit issuance would be prohibited, consisting of that part of the state that is both south of State Highway 21 and east of Interstate Highway 35. The commission determined that the exclusion zone should be enlarged to encompass that part of the state located east of U.S. Highway 83, which is intended to provide additional assurance that facilities culturing dotted duckweed are located only in regions of the state with low abundance of small water bodies at risk for harmful impacts should escapement and colonization occur. Additionally, the commission directed the imposition of a yearly inspection requirement (in addition to the possibility of random inspections already provided by current rule), which is intended to provide additional oversight and a further assurance that cultivation of dotted duckweed is conducted as prescribed by rule. Finally, the change corrects an erroneous internal reference in subsection (b)(2).

The rules authorize the issuance of permits for the possession, cultivation, sale, and transport of dotted duckweed (*Landoltia punctata*) under specific conditions. Under current rule (§57.112(3)(C)(i)), dotted duckweed is designated a prohibited harmful or potentially harmful exotic aquatic plant and cannot be possessed or cultivated for commercial purposes. The department recently received a petition for rulemaking requesting the alteration of current rules to create an exception allowing the commercial cultivation of dotted duckweed under the existing commercial aquaculture permit. After comprehensive analysis of all significant parameters, the department determined that dotted duckweed can be safely cultivated, provided all culture and handling occurs in fully enclosed facilities under appropriate biosecurity standards. Dotted duckweed is a small, floating exotic aquatic plant native to Australia and Southeast Asia that is distributed easily via multiple transport pathways, has a high growth and propagation rate, and is known to outcompete some native plant species. Climate match analysis indicates it could survive and become established in public waters throughout most of Texas should it escape culture, and it is deemed likely to have potential to become particularly problematic in smaller water bodies where conditions are most conducive to formation of dense mats capable of suppressing native plants and potentially degrading sportfish habitat and impeding recreational or agricultural access. Dotted duckweed can be easily transported to new water bodies by waterfowl, watercraft, and aquarium dumping, presenting a high spread potential should it escape. Notwithstanding, based on careful consideration of biosecurity risks associated with the proposed activity and escapement risk mitigation feasibility, staff has determined that under appropriate biosecurity and monitoring provisions there is an acceptably minimal, though not zero, risk of escape.

The amendment to §57.114, concerning Controlled Exotic Species Permit, provides for the issuance of a commercial aquaculture facility permit for the possession, culture, sale, and transport of dotted duckweed.

New §57.129, concerning Special Provisions--Dotted Duckweed, establishes facility and processing standards that specifically apply to the cultivation of dotted duckweed.

New subsection (a)(1) stipulates that the provisions of the new section are in addition to the minimum facility requirements already imposed by the subchapter, which is necessary to prevent confusion or misunderstanding. The new section also defines the term "culture pond" as "any reservoir of water used as media for the cultivation and harvest of dotted duckweed in a facility permitted to do so under this subchapter," which is necessary to provide an unambiguous meaning of that term for purposes of compliance, administration, and enforcement.

New subsection (a)(2) provides that the department will not issue a permit under the section for a facility located in that part of the state east of U.S. Highway 83. The provision is necessary to preclude cultivation of dotted duckweed in that part of the state that has high abundance of small public lakes and private ponds and regularly experiences, has experienced, or is at risk of experiencing inundation and/or high winds during severe meteorological events, which could result in escapement of dotted duckweed to surrounding aquatic systems.

New subsection (b) sets forth the requirements for water handling within facilities permitted to culture dotted duckweed to minimize escape risks. New subsection (b)(1) prohibits the draining of any water from culture ponds unless it has been chemically treated in accordance with applicable law to kill all dotted duckweed that may be present. The provision is necessary, in concert with the provisions of subsection (b)(2), to ensure that water leaving any facility is free of viable dotted duckweed. New subsection (b)(2) requires all water leaving a facility to be passed through equipment that reduces plant material to a size of 100 micrometers or smaller (based upon seed size), which must be maintained to meet the regulatory standard at all times. The department has determined that the combination of chemical and physical treatments of culture media result in reasonable confidence that viable dotted duckweed will not escape from facilities as a result of pond draining activities. New paragraph (b)(3) explicitly states that it is an offense for any person to allow or cause culture pond water to drain into any ditch, storm drain, channel, conduit, stream, or other pathway that drains into or could drain into public water, which is intended to provide an additional layer of confidence that viable dotted duckweed will not be spread to public waters. The department wishes to make absolutely and unmistakably clear that failure to contain dotted duckweed as a result of pond draining procedures is a crime.

New subsection (c) establishes infrastructure standards for facilities where dotted duckweed is authorized to be cultured. New subsection (c)(1) requires all facilities and infrastructure used for the culture, harvesting, and packaging of dotted duckweed to be completely enclosed within a permanent, department-approved structure. The provision is necessary to ensure that there is a physical barrier at all times between viable dotted duckweed and the external environment. New subsection (c)(2) requires all points of entry or access to structures containing viable dotted duckweed to be kept closed except for immediate use for ingress or egress of personnel, equipment, or machinery. The provision is necessary to minimize, to the greatest extent practicable, the opportunity for waterfowl or other vectors to transport dotted duckweed from facilities to the external environment.

New subsection (d) prescribes best practices for the processing and transport of dotted duckweed. New subsection (d)(1) stipulates that the processing of dotted duckweed occur only within

permitted facilities, and reiterates that allowing dotted duckweed to leave a facility except as provided by rule is a criminal offense. The provision is necessary to make it abundantly clear that dotted duckweed cannot be removed or allowed to leave a facility except as specifically provided by rule.

New subsection (d)(2) prohibits the removal of dotted duckweed and any byproducts of the processing of dotted duckweed from a facility unless it has been passed through at least one department-approved mechanical device that reduces plant material to particles of a size no greater than 100 micrometers, and for all such equipment to be constantly maintained to achieve this standard. As noted previously in this preamble, the department has determined that physical treatment of organic material to render it non-viable is necessary to provide reasonable confidence that viable dotted duckweed will not be spread to the environment from facilities where it is cultivated.

New subsection (d)(3) specifically authorizes the possession, transport, sale, and export of non-viable dotted duckweed remnants and plant material byproducts. The department has determined that upon satisfaction of the various provisions of the rules, there is no longer a need to regulate the possession of materials that are incapable of negative impacts to native ecosystems.

New subsection (e) requires a permittee to satisfactorily demonstrate to the department, during annual facility inspections, that activities authorized under this subchapter are conducted in compliance with the requirements of this subchapter and the facility is maintained in such a way as to prevent escape or release of dotted duckweed. The provision is necessary to provide for additional oversight of a potentially problematic species during cultivation activities.

New subsection (f) requires permittees to ensure that all water and wastewater discharges at a facility are compliant with applicable rules of the Texas Commission on Environmental Quality, which is necessary because such requirements may differ from animal aquaculture wastewater discharge authorization requirements applicable to other permitted aquaculture facilities.

The department received 19 comments opposing adoption of the rules as proposed. Of those comments, eight provided a reason or rationale for opposing adoption. Those comments, accompanied by the department's response to each, follow.

Three commenters opposed adoption and stated, in different ways, that because the public bears the costs associated with the impacts of invasive species on native systems and those costs can be significant and in some cases permanent, it is unwise to allow commercial interests to possess and cultivate exotic species without being financially responsible for the costs for remediation and control efforts should escapement occur. The department agrees in part with the comments but disagrees that absolute binary opposition of risk potential should be the standard for determining whether dotted duckweed can be safely cultivated. The department responds that extensive risk-assessments and consultation with experts in the field provided what the department determined to be acceptable assurance that dotted duckweed, cultivated in compliance with the rules as adopted, is a low-risk threat for escape and establishment. No changes were made as a result of the comments. One commenter opposed adoption and stated that anything requiring the use of pesticides to keep it from spreading is bad for the environment and should not be lawful to propagate. The department disagrees

with the comment and responds that the use of pesticides approved for aquatic use, applied in accordance with label requirements, are deemed safe for use in greenhouses. No changes were made as a result of the comment.

One commenter opposed adoption and stated that the department's mission does not include facilitating business opportunities involving non-native species that are known to be environmentally destructive. The department disagrees with the comment and responds that Chapter 134 of the Agriculture Code applies to the department and expressly regulates the commercial aquaculture of exotic species such as dotted duckweed. No changes were made as a result of the comment.

Two commenters opposed adoption and stated that there is no way to be 100 percent certain that dotted duckweed will not escape from facilities, irrespective of measures intended to prevent it from occurring. The department agrees with the comments but disagrees that absolute binary opposition of risk probability should be the standard for determining whether dotted duckweed can be safely cultivated. The department's risk assessments and consultation with outside experts have provided reasonable assurance that dotted duckweed, cultivated in compliance with the rules as adopted, is a low-risk threat for escape and establishment. No changes were made as a result of the comments.

One commenter opposed adoption and stated that "low-margin" commercial interests will not sacrifice profit to maintain regulatory compliance, which creates unacceptably high risk of escapement. The department disagrees with the comment and responds that the rules as adopted contain reporting and inspection requirements that the department believes provide sufficient confidence that any escapement will be readily detected and remedied. No changes were made as a result of the comment.

The department received 25 comments supporting adoption of the rules as proposed.

The Honorable Wes Virdell, State Representative for House District 53; Sid Miller, Texas Agriculture Commissioner; the Honorable Charlie Bradley, Schleicher County Judge; Ronnie D. Hawkins Jr., President of Angelo State University; Ryan Charles Sartor, PhD, Assistant Professor, North Carolina State University; Eric Lam, PhD, Distinguished Professor, Rutgers, State University of New Jersey; Robert Martienssen, PhD FRS, Cold Spring Harbor Lab; and Danya Hakeem, CEO, Elemental Impact commented in support of adoption of the rules as proposed.

Texas Backcountry Hunters and Anglers Association commented in opposition to adoption of the rules as proposed.

The amendments and new rule are adopted under the authority of Parks and Wildlife Code, §66.007, which authorizes the department to make rules necessary to authorize the import, possession, sale, or introduction of harmful or potentially harmful exotic fish.

§57.129. Special Provisions--Dotted Duckweed.

(a) General.

(1) In addition to the requirements of the provisions of §57.119 of this title (relating to Minimum Facility Requirements), the provisions of this section apply to facilities permitted to culture dotted duckweed under the provisions of this subchapter. For the purposes of this section, a culture pond is any reservoir of water used as media for

the cultivation and harvest of dotted duckweed in a facility permitted to do so under this subchapter.

(2) The department will not approve a permit under this section for any facility located in a part of the state that is east of US Highway 83.

(b) Culture ponds.

(1) Water may not be drained from a culture pond until all dotted duckweed in the culture pond has been killed in accordance with applicable law by application of pesticides or other chemicals approved for aquatic use by the U.S. Environmental Protection Agency and Texas Department of Agriculture.

(2) No water from a culture pond may be allowed to exit a greenhouse or other such confinement structure unless all culture pond water and plant material have been passed through at least one macerator pump or similar department-approved mechanical device that reduces plant material to particles of a size no greater than 100 micrometers. All equipment required by this subsection shall be maintained to ensure the particle size limit established by this subparagraph is not exceeded at any time.

(3) It is an offense for any person to allow or cause culture pond water to drain into any ditch, storm drain, channel, conduit, stream, or other pathway that drains into or could drain into public water.

(c) Facility requirements.

(1) All culture ponds and harvesting equipment (including but not limited to conveyor belts, transport infrastructure, processing infrastructure, and all other equipment or infrastructure associated with culture, harvest, and transport of dotted duckweed) within a facility shall be fully enclosed within a permanent, department-approved structure such as a greenhouse or other enclosure that the department determines is sufficient to prevent the escape of dotted duckweed.

(2) All doors and access points to greenhouses or structures used to enclose culture ponds and all access points to infrastructure used to transport dotted duckweed shall remain closed at all times except for purposes of immediate use for ingress or egress of personnel, equipment, or machinery.

(d) Processing requirements.

(1) Dotted duckweed may be processed only within a permitted aquaculture facility. Except as provided for drainwater under subsection (a) paragraphs (1) and (2) of this section or paragraph (2) of this subsection, it is an offense for any person to allow or cause dotted duckweed to leave a facility for any reason.

(2) No plant material, including dotted duckweed and any byproducts or remnants of processing operations, may be removed from the permitted facility for any reason unless it has been passed through at least one macerator pump or similar department-approved mechanical device that reduces plant material to particles of a size no greater than 100 micrometers. All equipment required by this subparagraph shall be maintained to ensure the particle size limit established by this subparagraph is not exceeded at any time.

(3) Dotted duckweed remnants and plant material byproducts that have been rendered non-viable in accordance with the provisions of subparagraph (B) of this paragraph may be possessed, transported, sold, or exported without a controlled exotic species permit.

(e) A permittee shall satisfactorily demonstrate to the department, during annual facility inspections, that activities authorized under this section are conducted in compliance with the requirements of

this subchapter and that the facility is maintained in such a way as to prevent escape or release of dotted duckweed.

(f) Wastewater discharge. A permittee shall ensure that all discharge of wastewater from a permitted facility occurs in compliance with all applicable regulatory requirements of the Texas Commission on Environmental Quality.

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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James Murphy

General Counsel

Texas Parks and Wildlife Department

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For further information, please call: (512) 389-4775



CHAPTER 65. WILDLIFE

The Texas Parks and Wildlife Commission in a duly noticed meeting on March 26, 2026, adopted amendments to 31 Texas Administrative Code §§65.3, 65.42, 65.64 and 65.66, concerning the Statewide Hunting Proclamation, without changes to the proposed text as published in the February 20, 2026, issue of the *Texas Register* (51 TexReg 1020). The rules will not be republished.

The amendment to §65.3, concerning Definitions, modifies the definition of "muzzleloader" with respect to references on how the firearm is loaded. The change clarifies that the term "muzzleloader" applies to any firearm designed such that the bullet or projectile can be loaded only through the muzzle. Modern muzzleloading technology features various design changes that have caused confusion regarding use of this new technology and its legality under the current definition of muzzleloader. The amendment is intended to eliminate ambiguity and expand hunting opportunities during muzzleloader season.

The amendment to §65.42, concerning Deer, increases the number of "doe days" in 21 counties located in the Post Oak Savannah ecoregion. The department manages deer populations by the deer management unit (DMU) concept, which organizes the state into specific areas that share similar soil types, vegetative communities, land-use practices, and deer population characteristics. In this way, deer seasons, bag limits, and special provisions can be more effectively analyzed to monitor the efficacy of management strategies on deer populations within each DMU. In some DMUs characterized by fragmented habitat, high hunting pressure, and large numbers of small acreage properties, the department protects the reproductive potential of the population by restricting the time during which antlerless deer may be taken with a firearm, known colloquially as "doe days." The department has determined that a 16-plus doe-day structure that begins the second Saturday of November and closes the Sunday following Thanksgiving Day can be implemented in 21 counties that currently have four doe days. Department population and harvest data indicate that deer densities are increasing within the affected DMUs and that antlerless harvest is less than half of the total harvest, which is resulting in a skewed sex ratio that is undesirable. The amendment is intended to provide addi-

tional hunting opportunities within the tenets of sound biological management, and address resource concerns such as increasing deer densities and habitat degradation.

The amendment to §65.64, concerning Turkey, prohibits the harvest of unbearded hens statewide. The department has observed significant declines in turkey populations over the past 10 years in Texas, as indicated by United States Geodetic Survey (USGS) Breeding Bird Survey results. Recent research suggests that hen abundance during the nesting season is the most impactful variable to long-term sustainability. The department believes the change will reduce overall hen harvest in the state and, potentially, improve recruitment. The amendment to §65.64 also closes turkey seasons in Matagorda and Wharton counties. Mandatory harvest reporting has been in place in these counties since 2022. In the past three years, no turkey harvest has been reported in Matagorda County, and only one—a banded bird released under a Trap, Transport, and Transplant (TTT) permit—has been reported in Wharton County. Additionally, turkey distribution surveys indicate that Matagorda County has no or minimal turkey populations, and the data for Wharton County indicates turkeys in one area near a previous TTT release site. With the closures, the department will explore opportunities to restock turkeys in these areas, focusing on private lands where landowners are interested and suitable habitat exists.

The amendment to §65.66, concerning Chachalaca, opens the chachalaca hunting season on the first day in November and closes it on the last day in February. The amendment makes chachalaca season concurrent with quail season, which is intended to maintain consistency and simplify hunting regulations across the state. The department has determined that the change will have no biological impact on chachalaca populations.

The department received 77 comments opposing adoption of the proposed amendment to §65.3, concerning Definitions. Of the 77 comments, 15 provided a reason or rationale for opposing adoption. Those comments, accompanied by the department's response to each, follow.

Two commenters opposed adoption and stated that the proposed definition of muzzleloader allowed weapons that are not "primitive weapons." The department neither agrees nor disagrees with the comments and responds that Texas does not have a "primitive weapon" season and therefore the weapons used in muzzleloader season do not have to be considered "primitive weapons." No changes were made as a result of the comments.

One commenter opposed adoption and stated the proposed definition of muzzleloader was, "cheating." The department disagrees with the comment and responds that under the amendment as adopted, any hunter can use the modern muzzleloader technology and therefore no hunter is cheating or getting an advantage over any other. No changes were made as a result of the comment.

Three commenters opposed adoption and stated modern muzzleloaders are as accurate and easy to use as normal rifles and should not be allowed outside of the normal hunting season. The department disagrees with the comments and responds that although modern muzzleloaders utilize new technology, they are still not as effective as a centerfire firearm. No changes were made as a result of the comments.

Five commenters opposed adoption and stated in some form or fashion that traditional muzzleloaders are sufficient and there is

no need to allow modern muzzleloaders. The department neither agrees nor disagrees with the comments and responds that the modern muzzleloaders provide additional hunting opportunity and have the additional benefit of being safer, because they allow the gun to be safely unloaded by opening the breech and removing the charge, if needed. No changes were made as a result of the comments.

One commenter opposed adoption and stated that the proposed change to the definition of muzzleloader would, "take away from the sport and heritage of the muzzleloading rifle." The department neither agrees nor disagrees with the comment and responds that the amendment simply expands the available options and does not preclude the use of traditional muzzleloaders. No changes were made as a result of the comment.

One commenter opposed adoption and stated the department does not have the authority to change the definition of muzzleloader because it does not have the authority to change the law. The department disagrees with the comment and responds that the legislature has delegated authority to the commission to regulate the means, methods, and places in which it is lawful to hunt game animals and game birds, and that the rules as adopted were promulgated in accordance with applicable statutory provisions governing state agency rulemaking. No changes were made as a result of the comment.

One commenter opposed adoption and stated that the muzzleloader season is not needed. The department neither agrees nor disagrees with the comment and responds that the comment is not germane to the proposed amendment, as the rule as proposed did not contemplate elimination of muzzleloader seasons, and in any case, muzzleloader seasons are not intended to function as a critical component of harvest strategy but as an opportunity for muzzleloader enthusiasts to enjoy a period of time when effort is restricted to muzzleloaders only. No changes were made as a result of the comment.

One commenter opposed adoption and stated muzzleloader season should overlap with archery season instead of being later in the year. The department neither agrees nor disagrees with the comment and responds that the comment is not germane to the proposed amendment as the rule as proposed did not contemplate relocation of muzzleloader seasons. No changes were made as a result of the comment.

The department received 380 comments supporting adoption of the amendment as proposed.

The department received 32 comments opposing adoption of the proposed amendment to §65.42, concerning Deer. Of those comments, 17 provided a reason or rationale for opposing adoption. Those comments, accompanied by the department's response to each, follow.

One commenter opposed adoption of the rule as proposed and stated that the entirety of Victoria County should be included. The department disagrees with the comment and responds that deer populations in the portion of Victoria County north of U.S. Highway 59 are managed differently than deer populations south of U.S. 59. Habitat quality is better and deer densities are higher south of U.S. 59, which requires more aggressive harvest rules to prevent overpopulation and maintain sex ratios. No changes were made as a result of the comment.

One commenter opposed adoption of the rule as proposed and stated that there should be one harvest regulation for antlerless deer across the entirety of the Post Oak Savannah and that buck

harvest should be liberalized to remove bucks with undesirable antler characteristics. The department disagrees with the comment and responds that, as explained in the proposal preamble, the department manages deer populations under the deer management unit (DMU) concept, which organizes the state into specific areas that share similar soil types, vegetative communities, land-use practices, and deer population characteristics. Although the Post Oak Savannah is a well-known geographical area, the DMU approach manages deer populations at much higher resolutions and provides much greater analytical benefits than management at the general ecoregion scale. With respect to buck harvest, the rule as proposed did not contemplate changes to buck harvest regulations because the department has determined that buck management strategies in the affected DMUs are appropriate and effective at the current time. No changes were made as a result of the comment.

Four commenters opposed adoption of the rule as proposed and stated that because of increased land fragmentation in the affected counties, the rule will result in excessive harvest to the detriment of the population because of intense hunting pressure on small acreages. The department disagrees with the comments and responds that harvest and population data indicate that the populations within the affected DMUs can withstand additional harvest pressure, which is desirable because it should result in better habitat quality and improved sex ratios. No changes were made as a result of the comments.

One commenter opposed adoption of the rule as proposed and stated that the harvest of antlerless deer should be regulated by property size. The department disagrees with the comment and responds that because of the wide variability of habitat quality and land use in any given DMU, property size by itself is not an appropriate component of responsible population management. The department further notes that management strategies at the level of individual properties are best left to individual landowners and land managers within the constraints of harvest regulations intended to prevent depletion or waste. No changes were made as a result of the comment.

Two commenters opposed adoption of the rule as proposed and stated that antlerless populations in Lavaca County have declined significantly and the populations cannot withstand additional harvest. The department disagrees with the comments and responds that harvest and population data indicate expanding populations of antlerless deer in the affected DMUs and additional harvest is desirable to prevent overpopulation and improve habitat quality and availability. No changes were made as a result of the comments.

One commenter opposed adoption of the rule as proposed and stated that the deer populations in the affected areas have declined and fawn mortality seems to be at an all-time high. The department disagrees with the comment and responds that department harvest and population data indicate that populations in the affected areas are stable or increasing, and that fawn mortality in and of itself does not appear to be negatively influencing the overall population. No changes were made as a result of the comment.

One commenter opposed adoption of the rule as proposed and stated that increased opportunity will result in more pressure on the reproductive segment of the deer herd and result unintended long-term consequences, particularly in areas where habitat conditions, weather variability, and localized hunting pressure already influence herd stability. The department disagrees with the comment and responds that in general, the expected

increase in harvest will be beneficial to populations and habitat, but that such decisions are ultimately made by property owners and resource managers within the constraints established by department harvest rules. No changes were made as a result of the comment.

One commenter opposed adoption of the rule as proposed and stated that the department should implement full-season either-sex harvest with a special late season. The department disagrees with the comment and responds that full-season either-sex hunting, given the current indices of land use, habitat quality, hunting pressure, and population dynamics, would likely result in undesirable if not unacceptable population impacts in the affected DMUs. No changes were made as a result of the comment.

One commenter opposed adoption of the rule as proposed and stated that antlerless harvest should be allowed for the entirety of the season and that current antlerless harvest regulations have resulted in population declines. The department disagrees with the comment and responds that it appears to both favor and oppose adoption of the rule as proposed. In any case, as noted in a previous response, full-season either-sex hunting, given the current indices of land use, habitat quality, hunting pressure, and population dynamics, would likely result in undesirable if not unacceptable population impacts in the affected DMUs. No changes were made as a result of the comment.

One commenter opposed adoption and stated that there is widespread disregard for mandatory harvest reporting required under current rule. The department neither agrees nor disagrees with the comment and responds that persons who choose to consciously disregard regulations of the commission will be cited for such violations and held accountable. The department also encourages any person with knowledge of such violations to contact department law enforcement personnel or report the violation via the Operation Game Thief hotline. No changes were made as a result of the comment.

One commenter opposed adoption of the rule as proposed and stated that the bag limit is two antlerless deer so the department should not care when a hunter harvests antlerless deer, provided the bag limit is not exceeded. The department disagrees with the comment and responds that the purpose of "doe days" is to provide antlerless harvest opportunity where possible in places where a huntable surplus exists but biological data indicate that full-season either-sex is not appropriate. "Doe days" facilitate enforcement of bag composition regulations by confining such harvest to a narrow timeframe. No changes were made as a result of the comment.

One commenter opposed adoption and stated that the 16 "doe days" should be implemented on a weekend basis. The department disagrees with the comment and responds that a season structure that oscillates between antlerless harvest by permit only and antlerless harvest without a permit would be problematic in terms of enforcement and likely to confuse hunters and land managers. No changes were made as a result of the comment.

One commenter opposed adoption of the rule as proposed and stated that department data are insufficient data to support the proposal. The department disagrees with the comment and responds that the proposal is supported by department biological data indicating that an increased antlerless harvest in the affected DMUs is not only appropriate, but in fact desirable, and should be beneficial. The department further notes that the data

upon which the proposal is based are a public record and department staff are happy to explain the data and the biological justification for the proposal at a more granular level at the request of any interested party. No changes were made as a result of the comment.

The department received 497 comments supporting adoption of the amendment as proposed.

The department received 134 comments opposing adoption of the proposed amendment to §65.64, concerning Turkey. Of the 134 comments, 50 provided a reason or rationale for opposing adoption. Those comments, accompanied by the department's response to each, follow.

One commenter opposed adoption and stated the amendments are an unjustified restriction on property rights and ignores the conservation efforts of private landowners. The department disagrees with the comment and responds that wild turkeys are the property of the state of Texas, and the department has the statutory responsibility and authority to manage wild turkeys for the people of Texas. No changes were made as a result of the comment.

One commenter opposed adoption and stated there are plenty of turkey on private lands. The department neither agrees nor disagrees with the comment and responds that turkey populations have declined to a 30-year low, which the department is concerned about and is in the process of addressing, via research, harvest regulations, and stocking initiatives. No changes were made as a result of the comment.

Two commenters opposed adoption and stated there was no publicly available data on the decline of turkey populations. The department disagrees with the comments and responds that the department has collected harvest, occupancy, and recruitment data across Texas for many years, which is freely available to the public upon request. Furthermore, USGS Breeding Bird Survey data, collected since 1966, illustrates a 30-year low in wild turkey observations in Texas. No changes were made as a result of the comments.

One commenter opposed adoption and stated that hunting is not the reason the turkey population is declining and the department should lower the bag limit to one instead of completely closing Matagorda and Wharton counties. The department neither agrees nor disagrees with the comment and responds that the bag limit is irrelevant in counties where turkey populations are basically non-existent, and that closure of the season allows the department to explore opportunities to restore turkey populations by working with private landowners in these counties. No changes were made as a result of the comment.

One commenter opposed adoption and stated the season should be reduced but not closed in Matagorda and Wharton counties. The department disagrees with the comment and responds that there is no benefit to retaining seasons in counties where turkey populations are for all practical purposes non-existent, and that closure of the season allows the department to explore opportunities to restore turkey populations by working with private landowners in these counties. No changes were made as a result of the comment.

One commenter opposed adoption and stated the department should keep Wharton County open. The department disagrees with the comment and responds that there is no benefit to retaining a season in a county where turkey populations are for all practical purposes non-existent, and that closure of the season

allows the department to work with private landowners to explore opportunities to restore populations. No changes were made as a result of the comment.

One commenter opposed adoption and stated the department should keep the turkey season closed in Matagorda and Wharton counties until the turkey population returns. The department agrees with the comment and responds that the closures will be maintained until populations are restored and capable of sustaining harvest. No changes were made as a result of the comment.

Two commenters opposed adoption and stated that spring season opens on April 1, which provides very little time to inform hunters. The department disagrees with the comments and responds that the rule as adopted will go into effect for the 2027 spring season, which will provide a generous amount of time for department messaging and outreach. No changes were made as a result of the comments.

Three commenters opposed adoption and stated that additional research and alternative options should be considered rather than rulemaking. The department disagrees with the comments and responds that data indicate the necessity for restoration efforts and season closure is the most effective way to expedite that restoration, which will be conducted according to the best available science and research. No changes were made as a result of the comments.

One commenter opposed adoption and stated that rain would help turkey populations more than anything else. The department neither agrees nor disagrees with the comment and responds that with respect to the rules as proposed, Matagorda and Wharton Counties are part of the Gulf Coast Prairies and Marshes ecoregion and receive abundant rainfall annually. With respect to statewide populations generally, rainfall patterns fluctuate significantly; however, hen populations at the beginning of the nesting season are a primary driver in annual recruitment. No changes were made as a result of the comment.

One commenter opposed adoption and stated that the turkey population is a nuisance and harvesting hens is the only way to control it. The department disagrees with the comment and responds that the rules as adopted are intended to address documented, long-term turkey population declines, not nuisances. The department further states that nuisance status is a subjective determination and that there are many effective methods for addressing nuisance turkeys (including lawful hunting). No changes were made as a result of the comment.

One commenter opposed adoption and stated that tagging turkey harvest is good enough. The department neither agrees nor disagrees with the comment and responds that the best available data and science is being utilized to inform management decisions, including tagging and reporting requirements. No changes were made as a result of the comment.

Eighteen commenters opposed adoption and all essentially stated that certain counties have plenty of turkeys and the hen harvest restrictions should be county specific. The department disagrees with the comments and responds that documented long-term declines of turkey population across the state indicate protection of the hen segment population is warranted to slow or arrest that trend. No changes were made as a result of the comments.

One commenter opposed adoption and stated that the take of hens in the fall reduces pressure on toms and keeps the population in balance. The department disagrees with the comment

and responds that research suggests that hen abundance during the nesting season is the most impactful variable to long-term sustainability. No changes were made as a result of the comment.

Two commenters opposed adoption and stated that prohibiting the harvest of unbearded hens would penalize hunters for identification mistakes and hunters should be given a one-hen grace limit. The department disagrees with the comments and responds that the bag limit is currently restricted to "gobblers-only" or "gobblers and bearded hens" during the spring season; thus, field identification is already required. The department believes that it is incumbent upon an ethical hunter to be able to identify birds that are lawful to hunt. No changes were made as a result of the comments.

One commenter opposed adoption and stated that Texans should be able to take whatever bird they want. The department disagrees with the comment and responds that harvest limits ensure wild turkey populations will remain available and healthy for current and future Texans to harvest. No changes were made as a result of the comment.

Three commenters opposed adoption and stated that the harvest of hens should be stopped completely. The department disagrees with the comments and responds that bearded hens make up approximately 3% of the hen population in Texas. Research has shown that removal of less than 5% of the hen population annually is sustainable. No changes were made as a result of the comments.

Six commenters opposed adoption and stated that bag limits should be lowered instead of prohibiting the harvest of unbearded hens. The department disagrees with the comments and responds that department data indicate 92% of turkey hunters harvest less than the four-bird annual bag limit. Additionally, Texas has one of the most liberal fall seasons and a substantial number of hens are harvested during the fall season. No changes were made as a result of the comments.

One commenter opposed adoption and stated that the bag limit should be lowered, but with a differential limit for residents and non-residents. The department disagrees with the comment and responds that Texas has some of the lowest male harvest rates in the country at 13%. Of those hunters who successfully bag a wild turkey in Texas, 92% harvest three or fewer birds. Reducing the annual bag limit on male wild turkeys would have little impact on population sustainability or growth. Additionally, implementing a differential bag limit for residents and nonresident, especially in the absence of a tangible conservation necessity or benefit, would create unnecessary administration, compliance, and enforcement issues. No changes were made as a result of the comment.

One commenter opposed adoption and stated there should be an option to buy a tag to hunt hens. The department disagrees with the comment and responds that the purpose of the rule is to curtail or truncate hen harvest in general; allowing additional harvest of hens confounds that goal and, in any case, introduces unnecessary complexity to processes. No changes were made as a result of the comment.

One commenter opposed adoption and stated that Bell County east of I35 should be open to turkey harvest along with the rest of the county. The department neither agrees nor disagrees with the comment and responds that the comment is not germane to the proposed amendment, as the only closures contemplated did

not involve Bell County. No changes were made as a result of the comment.

The department received 828 comments supporting adoption of the amendment as proposed.

The department received 25 comments opposing adoption of the proposed amendment to §65.66, concerning Chachalaca. Of the 25 comments, five provided a reason or rationale for opposing adoption. Those comments, accompanied by the department's response to each, follow.

One commenter opposed adoption and stated the season should stay the same as it was previously. The department disagrees with the comment and responds that the change will maintain consistency and simplify hunting regulations across the state. No changes were made as a result of the comment.

One commenter opposed adoption and stated the best time for hunting chachalaca was February, especially later in the month. The department neither agrees nor disagrees with the comment and responds that the rule as adopted results in a season lasting the entirety of February. No changes were made as a result of the comment.

One commenter opposed adoption and stated that quail and chachalaca seasons should open at the same time but retain the winter dates from the previous year. The department disagrees with the comment and responds that the change results in a season that is similar to previous years but adds more opportunity at the end of February. No changes were made as a result of the comment.

One commenter opposed adoption and stated that the quail season should start a few weeks earlier to avoid an overlap with deer season. The department neither agrees nor disagrees with the comment and responds that the comment is not germane to the proposed amendment, as the rules as proposed did not contemplate changes to quail seasons. No changes were made as a result of the comment.

One commenter opposed adoption and stated the department should leave the quail season dates alone. The department neither agrees nor disagrees with the comment and responds that the comment is not germane to the proposed amendment, as no changes to quail seasons were proposed. No changes were made as a result of the comment.

The department received 384 comments supporting adoption of the amendment as proposed.

SUBCHAPTER A. STATEWIDE HUNTING PROCLAMATION

DIVISION 1. GENERAL PROVISIONS

31 TAC §65.3

The amendment is adopted under the authority of Parks and Wildlife Code, Chapter 61, which requires the commission to regulate the periods of time when it is lawful to hunt, take, or possess game animals, game birds, or aquatic animal life in this state; the means, methods, and places in which it is lawful to hunt, take, or possess game animals, game birds, or aquatic animal life in this state; the species, quantity, age or size, and, to the extent possible, the sex of the game animals, game birds, or aquatic animal life authorized to be hunted, taken, or possessed; and the region, county, area, body of water, or portion of a county where game animals, game birds, or aquatic animal life may be hunted, taken, or possessed.

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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James Murphy

General Counsel

Texas Parks and Wildlife Department

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For further information, please call: (512) 389-4775



DIVISION 2. OPEN SEASONS AND BAG LIMITS

31 TAC §§65.42, 65.64, 65.66

The amendments are adopted under the authority of Parks and Wildlife Code, Chapter 61, which requires the commission to regulate the periods of time when it is lawful to hunt, take, or possess game animals, game birds, or aquatic animal life in this state; the means, methods, and places in which it is lawful to hunt, take, or possess game animals, game birds, or aquatic animal life in this state; the species, quantity, age or size, and, to the extent possible, the sex of the game animals, game birds, or aquatic animal life authorized to be hunted, taken, or possessed; and the region, county, area, body of water, or portion of a county where game animals, game birds, or aquatic animal life may be hunted, taken, or possessed.

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TITLE 37. PUBLIC SAFETY AND CORRECTIONS

PART 1. TEXAS DEPARTMENT OF PUBLIC SAFETY

CHAPTER 6. LICENSE TO CARRY HANDGUNS

SUBCHAPTER B. ELIGIBILITY AND APPLICATION PROCEDURES FOR A LICENSE TO CARRY A HANDGUN

37 TAC §6.11, §6.16

The Texas Department of Public Safety (the department) adopts amendments to §6.11 and §6.16, concerning Eligibility and Application Procedures for a License To Carry a Handgun. These rules are adopted without changes to the proposed text as published in the April 24, 2026, issue of the *Texas Register* (51 TexReg 2615) and will not be republished.

The amendments provide that an applicant for a new or renewal license to carry a handgun must submit proof to the department of the applicant's eligibility under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 for certain state or local public benefits, including a professional or commercial license, issued by a state agency, and specifies the type of document the applicant must submit.

No comments were received regarding the adoption of these rules.

These rules are adopted pursuant to Texas Government Code, §411.197, which authorizes the director of the department to adopt rules to administer Subchapter H, License to Carry a Handgun.

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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D. Phillip Adkins

General Counsel

Texas Department of Public Safety

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



SUBCHAPTER C. QUALIFIED HANDGUN INSTRUCTOR LICENSE

37 TAC §6.46

The Texas Department of Public Safety (the department) adopts the amendment to §6.46, concerning Renewal of Qualified Handgun Instructor Certification. This rule is adopted without changes to the proposed text as published in the April 24, 2026, issue of the *Texas Register* (51 TexReg 2617) and will not be republished.

The amendment provides that an applicant for a renewal qualified handgun instructor certification must submit proof to the department of the applicant's eligibility under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 for certain state or local public benefits, including a professional or commercial license, issued by a state agency, and specifies the type of document the applicant must submit.

No comments were received regarding the adoption of this rule.

This rule is adopted pursuant to Texas Government Code, §411.197, which authorizes the director of the department to adopt rules to administer Subchapter H, License to Carry a Handgun.

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 10. IGNITION INTERLOCK DEVICE

SUBCHAPTER B. VENDOR AUTHORIZATION

37 TAC §10.11

The Texas Department of Public Safety (the department) adopts amendments to §10.11, concerning Application; Renewal. This rule is adopted without changes to the proposed text as published in the April 24, 2026, issue of the *Texas Register* (51 TexReg 2618) and will not be republished.

The amendments provide that an applicant for a new or renewal ignition interlock device vendor authorization must submit proof to the department of the applicant's eligibility under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 for certain state or local public benefits, including a professional or commercial license issued by a state agency, and specifies the type of document the applicant must submit.

These amendments are necessary to ensure that the department is able to verify applicant eligibility consistent with federal law in order to maintain the integrity of the licensing and vendor authorization process and protect the health, safety, and welfare of the residents of this state. This adoption is consistent with an emphasis across state government to ensure that no individual in the country illegally receives a state or local public benefit, such as a professional or commercial license, in contradiction to federal law.

No comments were received regarding the adoption of this rule.

This rule is adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; and Texas Transportation Code, §521.2476, which authorizes the department to establish by rule the minimum standards for vendors of ignition interlock devices who conduct business in this state.

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

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

SUBCHAPTER B. APPLICATION AND RENEWAL

37 TAC §§12.12, 12.13, 12.16

The Texas Department of Public Safety (the department) adopts amendments to §§12.12, 12.13, and 12.16, concerning Application and Renewal. These rules are adopted without changes to the proposed text as published in the April 24, 2026, issue of the *Texas Register* (51 TexReg 2620) and will not be republished.

The amendments provide that an applicant for a new or renewal registration under the Compassionate-Use/Low-THC Cannabis Program must submit proof to the department of the applicant's eligibility under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 for certain state or local public benefits, including a professional or commercial license, issued by a state agency, and specifies the type of document the applicant must submit.

These amendments are necessary to ensure that the department is able to verify applicant eligibility consistent with federal law in order to maintain the integrity of the licensing and registration process and protect the health, safety, and welfare of the residents of this state. This adoption is consistent with an emphasis across state government to ensure that no individual in the country illegally receives a state or local public benefit, such as a professional or commercial license, in contradiction to federal law.

No comments were received regarding the adoption of these rules.

These rules are adopted pursuant to Texas Health and Safety Code, §487.052, which authorizes the director of the department to adopt any rules necessary for the administration and enforcement of Chapter 487.

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

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CHAPTER 15. DRIVER LICENSE RULES

SUBCHAPTER B. APPLICATION REQUIREMENTS--ORIGINAL, RENEWAL, DUPLICATE, IDENTIFICATION CERTIFICATES

37 TAC §15.25

The Texas Department of Public Safety (the department) adopts amendments §15.25, concerning Address. This rule is adopted without changes to the proposed text as published in the April 24, 2026, issue of the *Texas Register* (51 TexReg 2621) and will not be republished.

The amendment provides that an applicant for a renewal qualified handgun instructor certification must submit proof to the department of the applicant's eligibility under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 for certain state or local public benefits, including a professional or commercial license, issued by a state agency, and specifies the type of document the applicant must submit.

No comments were received regarding the adoption of this rule.

This rule is adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; Texas Transportation Code, §521.005, which authorizes the department to adopt rules necessary to administer Chapter 521; and Senate Bill 523, 89th Leg., R.S. (2025) and House Bill 16, 89th Leg., 2d C.S. (2025).

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

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CHAPTER 23. VEHICLE INSPECTION SUBCHAPTER A. VEHICLE INSPECTION STATION AND VEHICLE INSPECTOR CERTIFICATION

37 TAC §23.1, §23.3

The Texas Department of Public Safety (the department) adopts amendments to §23.1 and §23.3, concerning Vehicle Inspection Station and Vehicle Inspector Certification. These rules are adopted without changes to the proposed text as published in the April 24, 2026, issue of the *Texas Register* (51 TexReg 2623) and will not be republished.

These amendments provide that an applicant for a new or renewal vehicle inspection station certification or a vehicle inspector certificate must submit proof to the department of the applicant's eligibility under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 for certain state or local public benefits, including a professional or commercial license, issued by a state agency, and specifies the type of document the applicant must submit.

These amendments are necessary to ensure that the department is able to verify applicant eligibility consistent with federal law in order to maintain the integrity of the licensing and certification process and protect the health, safety, and welfare of the

residents of this state. This adoption is consistent with an emphasis across state government to ensure that no individual in the country illegally receives a state or local public benefit, such as a professional or commercial license, in contradiction to federal law.

No comments were received regarding the adoption of these rules.

These rules are adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; and Texas Transportation Code, §548.002, which authorizes the department to adopt rules to administer and enforce Chapter 548.

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 35. PRIVATE SECURITY SUBCHAPTER B. LICENSING

37 TAC §§35.21, 35.22, 35.30

The Texas Department of Public Safety (the department) adopts amendments to §§35.21, 35.22, and 35.30, concerning Licensing. These rules are adopted without changes to the proposed text as published in the April 24, 2026, issue of the *Texas Register* (51 TexReg 2626) and will not be republished.

These amendments provide that an applicant for a new or renewal private security license must submit proof to the department of the applicant's eligibility under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 for certain state or local public benefits, including a professional or commercial license, issued by a state agency, and specifies the type of document the applicant must submit.

These amendments are necessary to ensure that the department is able to verify applicant eligibility consistent with federal law in order to maintain the integrity of the licensing process and protect the health, safety, and welfare of the residents of this state. This adoption is consistent with an emphasis across state government to ensure that no individual in the country illegally receives a state or local public benefit, such as a professional or commercial license, in contradiction to federal law.

No comments were received regarding the adoption of these rules.

These rules are adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; and Texas Occupations Code, §1702.061, which authorizes the Public Safety Commission to adopt rules necessary to implement Chapter 1702, including determining the qual-

ifications of company license holders, individual license holders, and commissioned security officers.

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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D. Phillip Adkins

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Texas Department of Public Safety

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SUBCHAPTER F. COMMISSIONED SECURITY OFFICERS

37 TAC §35.81, §35.83

The Texas Department of Public Safety (the department) adopts amendments to §35.81 and §35.83, concerning Commissioned Security Officers. Section 35.81 is adopted with a change to the proposed text as published in the April 24, 2026, issue of the *Texas Register* (51 TexReg 2628) and will be republished. Omitted punctuation at the end of §35.81(a)(9)(K) has been added. Section 35.83 is adopted without changes to the proposed text as published in the April 24, 2026, issue of the *Texas Register* (51 TexReg 2628) and will not be republished.

These amendments provide that an applicant for a new or renewal security officer commission must submit proof to the department of the applicant's eligibility under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 for certain state or local public benefits, including a professional or commercial license, issued by a state agency, and specifies the type of document the applicant must submit.

These amendments are necessary to ensure that the department is able to verify applicant eligibility consistent with federal law in order to maintain the integrity of the licensing process and protect the health, safety, and welfare of the residents of this state. This proposal is consistent with an emphasis across state government to ensure that no individual in the country illegally receives a state or local public benefit, such as a professional or commercial license, in contradiction to federal law.

No comments were received regarding the adoption of these rules.

These rules are adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; and Texas Occupations Code, §1702.061, which authorizes the Public Safety Commission to adopt rules necessary to implement Chapter 1702, including determining the qualifications of company license holders, individual license holders, and commissioned security officers.

§35.81. *Application for a Security Officer Commission.*

(a) A complete security officer commission application must be submitted on the most current version of the form provided by the department. The application must include:

- (1) The required application fee;

- (2) Fingerprints in form and manner approved by the department;

- (3) The required criminal history check fee;

- (4) A copy of the applicant's Level II certificate of completion;

- (5) A copy of the applicant's Level III certificate of completion;

- (6) Non Texas residents must provide a copy of an identification card issued by the state of the applicant's residence, or other government issued identification card;

- (7) Non United States citizens must submit a copy of their current alien registration card. Non-resident aliens must also submit documents establishing the right to possess firearms under federal law;

- (8) Proof of completion of the Minnesota Multiphasic Personality Inventory on the department-prescribed form. The form must be signed by the administering psychologist or psychiatrist and must reflect the psychologist's or psychiatrist's interpretation of the results and the determination that the applicant is not disqualified from the license by reason of a mental health condition; and

- (9) Proof that the applicant is eligible for a security officer commission under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 by providing one of the following documents verified through the United States Department of Homeland Security's Systematic Alien Verification for Entitlements (SAVE) Program:

- (A) a valid, unexpired REAL ID-compliant driver license or identification certificate issued by a state or territory of the United States;

- (B) a valid, unexpired United States passport book or passport card;

- (C) a valid, unexpired foreign passport with a visa with a valid I-94;

- (D) an original or certified copy of a birth certificate issued by a state bureau of vital statistics or equivalent agency from a United States state, territory, or the District of Columbia;

- (E) an original or certified copy of a Consular Report of Birth Abroad, Certification of Birth Abroad, or Certification of Report of Birth issued by the United States Department of State (form FS-240, FS-545, or DS-1350);

- (F) a United States Certificate of Naturalization or Certificate of Citizenship with identifiable photo (form N-550, N-560, N-561, N-570, or N-578);

- (G) a United States Citizen Identification Card (form I-179 or I-197);

- (H) a valid, unexpired Permanent Resident Card (form I-551);

- (I) a Machine Readable Immigrant Visa with temporary I-551 language and an Alien Documentation, Identification and Telecommunications System (ADIT) stamp;

- (J) a valid, unexpired Employment Authorization Document (EAD) (form I-776); or

- (K) any other documentation issued by the appropriate United States agency that authorizes the applicant to be in the United States.

(b) Incomplete applications will not be processed and will be returned for clarification or missing information.

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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D. Phillip Adkins

General Counsel

Texas Department of Public Safety

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SUBCHAPTER J. SPECIAL COMPANY LICENSE QUALIFICATIONS

37 TAC §§35.121 - 35.124

The Texas Department of Public Safety (the department) adopts amendments to §§35.121 - 35.124, concerning Special Company License Qualifications. These rules are adopted without changes to the proposed text as published in the April 24, 2026, issue of the *Texas Register* (51 TexReg 2630) and will not be republished.

The amendments provide that an applicant for an investigations company license, a guard company license, a locksmith company license, or an alarm company and alarm training school license must submit proof to the department of the applicant's eligibility under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 for certain state or local public benefits, including a professional or commercial license, issued by a state agency, and specifies the type of document the applicant must submit.

These amendments are necessary to ensure that the department is able to verify applicant eligibility consistent with federal law in order to maintain the integrity of the licensing process and protect the health, safety, and welfare of the residents of this state. This adoption is consistent with an emphasis across state government to ensure that no individual in the country illegally receives a state or local public benefit, such as a professional or commercial license, in contradiction to federal law.

No comments were received regarding the adoption of these rules.

These rules are adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; and Texas Occupations Code, §1702.061, which authorizes the Public Safety Commission to adopt rules necessary to implement Chapter 1702, including determining the qualifications of company license holders, individual license holders, and commissioned security officers.

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 June 12, 2026.

TRD-202602425

D. Phillip Adkins

General Counsel

Texas Department of Public Safety

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Proposal publication date: April 24, 2026

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



CHAPTER 36. METALS RECYCLING ENTITIES

SUBCHAPTER B. CERTIFICATE OF REGISTRATION

37 TAC §36.11, §36.16

The Texas Department of Public Safety (the department) adopts amendments to §36.11 and §36.16, concerning Certificate of Registration. These rules are adopted without changes to the proposed text as published in the April 24, 2026, issue of the *Texas Register* (51 TexReg 2633) and will not be republished.

These amendments provide that an applicant for a new or renewal metals recycling entity certificate of registration must submit proof to the department of the applicant's eligibility under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 for certain state or local public benefits, including a professional or commercial license, issued by a state agency, and specifies the type of document the applicant must submit.

These amendments are necessary to ensure that the department is able to verify applicant eligibility consistent with federal law in order to maintain the integrity of the licensing and certification process and protect the health, safety, and welfare of the residents of this state. This adoption is consistent with an emphasis across state government to ensure that no individual in the country illegally receives a state or local public benefit, such as a professional or commercial license, in contradiction to federal law.

No comments were received regarding the adoption of these rules.

These rules are adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; and Texas Occupations Code, §1956.013, which authorizes the Public Safety Commission to adopt rules to administer Chapter 1956, including rules establishing minimum requirements for registration.

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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D. Phillip Adkins

General Counsel

Texas Department of Public Safety

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



SUBCHAPTER E. DISCIPLINARY
PROCEDURES AND ADMINISTRATIVE
PROCEDURES

37 TAC §36.51

The Texas Department of Public Safety (the department) adopts the amendment to §36.51 concerning Denial of Application for Certificate of Registration. This rule is adopted without changes to the proposed text as published in the April 24, 2026, issue of the *Texas Register* (51 TexReg 2635) and will not be republished.

The amendments update this section to include rule text noting the department may deny an application for a certificate of registration if any applicant is found to have violated any provision of the Act or this chapter. This amendment provides conformity with other sections in this chapter and incorporates the most recent revisions found in §36.11 and §36.16 as a reason for denial.

These amendments are necessary to ensure that the department is able to verify applicant eligibility consistent with federal law in order to maintain the integrity of the licensing and certification process and protect the health, safety, and welfare of the residents of this state. This adoption is consistent with an emphasis across state government to ensure that no individual in the country illegally receives a state or local public benefit, such as a professional or commercial license, in contradiction to federal law.

No comments were received regarding the adoption of this rule.

This rule is adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; and Texas Occupations Code, §1956.013, which authorizes the Public Safety Commission to adopt rules to administer Chapter 1956, including rules establishing minimum requirements for registration.

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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D. Phillip Adkins

General Counsel

Texas Department of Public Safety

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PART 16. TEXAS CIVIL COMMITMENT
OFFICE

CHAPTER 810. CIVIL COMMITMENT
SUBCHAPTER A. CIVIL COMMITMENT
GENERAL PROVISIONS

37 TAC §810.122

The Texas Civil Commitment Office (TCCO) adopts amendments to Title 37, Part 16, Chapter 810, Subchapter A General

Provisions §810.122 concerning Definitions without changes to the proposed text as published in the April 3, 2026 issue of the *Texas Register* (51 TexReg 2243). The rule will not be republished.

Reasoned Justification

The amendment removes definitions of chemical restraints, clinical examiner, income, indigent and mechanical restraints. These definitions relate to rules that are being repealed following an agency rule review conducted pursuant to Texas Government Code §2001.039. This amendment will increase clarity and efficiency of the rules. Texas Health and Safety Code Section 841.141 provides TCCO with rulemaking authority.

Summary of Comments and Responses

No comments were received regarding the adoption of the amendment.

Statutory Authority

The amended rule is adopted under the general rulemaking authority provided in Texas Health and Safety Code Section 841.141.

Cross Reference to Statutes

No other statutes, articles, or codes are affected by this amendment.

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

Filed with the Office of the Secretary of State on June 12, 2026.

TRD-202602429

Jessica Marsh

Deputy Director

Texas Civil Commitment Office

Effective date: July 2, 2026

Proposal publication date: April 3, 2026

For further information, please call: (512) 341-4421



SUBCHAPTER B. CIVIL COMMITMENT

37 TAC §810.153

The Texas Civil Commitment Office (TCCO) adopts amendments to Title 37, Part 16, Chapter 810, Subchapter B Civil Commitment §810.153 concerning Tiered Treatment and Supervision Program without changes to the proposed text as published in the April 3, 2026 issue of the *Texas Register* (51 TexReg 2244). The rule will not be republished.

Reasoned Justification

The amendment removes subsections (1) and (2). These subsections were determined to be no longer necessary following a review of agency rules conducted pursuant to Texas Government Code §2001.039. This amendment will increase clarity and efficiency of the rules. Texas Health and Safety Code Section 841.141 provides TCCO with rulemaking authority.

Summary of Comments and Responses

No comments were received regarding the adoption of the amendment.

Statutory Authority

The amended rule is adopted under the general rulemaking authority provided in Texas Health and Safety Code Section 841.141.

Cross Reference to Statutes

No other statutes, articles, or codes are affected by this amendment.

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

Filed with the Office of the Secretary of State on June 12, 2026.

TRD-202602430

Jessica Marsh

Deputy Director

Texas Civil Commitment Office

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Proposal publication date: April 3, 2026

For further information, please call: (512) 341-4421



37 TAC §§810.154 - 810.156

The Texas Civil Commitment Office (TCCO) adopts the repeal of Title 37, Part 16, Chapter 810, Subchapter B Civil Commitment §§810.154 - 810.156 without changes to the proposed text as published in the April 3, 2026 issue of the *Texas Register* (51 TexReg 2245). The rules will not be republished.

Reasoned Justification

These rules are being repealed because they were determined to be no longer necessary following an agency rule review conducted pursuant to Texas Government Code §2001.039. Texas Health and Safety Code Section 841.141 provides TCCO with rulemaking authority.

Summary of Comments and Responses

No comments were received regarding the adoption of the repeal.

Statutory Authority

The rule repeals are adopted under the general rulemaking authority provided in Texas Health and Safety Code Section 841.141.

Cross Reference to Statutes

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

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 June 12, 2026.

TRD-202602431

Jessica Marsh

Deputy Director

Texas Civil Commitment Office

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Proposal publication date: April 3, 2026

For further information, please call: (512) 341-4421



SUBCHAPTER E. MISCELLANEOUS PROVISIONS

37 TAC §810.273

The Texas Civil Commitment Office (TCCO) adopts repeal of Title 37, Part 16, Chapter 810, Subchapter E Miscellaneous Provisions §810.273 without changes to the proposed text as published in the April 3, 2026 issue of the *Texas Register* (51 TexReg 2246). The rules will not be republished.

Reasoned Justification

This rule is being repealed because it was determined to be no longer necessary following an agency rule review conducted pursuant to Texas Government Code §2001.039. Texas Health and Safety Code Section 841.141 provides TCCO with rulemaking authority.

Summary of Comments and Responses

No comments were received regarding the adoption of the repeal.

Statutory Authority

The rule repeal is adopted under the general rulemaking authority provided in Texas Health and Safety Code Section 841.141.

Cross Reference to Statutes

No other statutes, articles, or codes are affected by this repeal.

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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TRD-202602432

Jessica Marsh

Deputy Director

Texas Civil Commitment Office

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For further information, please call: (512) 341-4421



TITLE 40. SOCIAL SERVICES AND ASSISTANCE

PART 19. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES

CHAPTER 702. GENERAL ADMINISTRATION SUBCHAPTER F. ADVISORY COMMITTEES

40 TAC §702.513, §702.515

The Department of Family and Protective Services (DFPS) adopts amended rules 40 TAC §702.513 and §702.515 in Title 40, Texas Administrative Code (TAC), Part 19, Chapter 702, Subchapter F, relating to the Parent Collaboration Group (PCG) and the Youth Leadership Council (YLC) advisory committees. The proposal was published in the April 24, 2026, issue of the *Texas Register* (51 TexReg 2636). The amended rules are adopted with minimal non-substantive changes to the proposed text and will be republished.

BACKGROUND AND JUSTIFICATION

In 2016, DFPS adopted rules establishing the Youth Leadership Council and the Parent Collaboration Group advisory committees which had already existed, although not uniformly established in rule. Since adoption in 2016, the needs of the agency have evolved with the expansion of community-based care and amendments are needed to ensure the committees continue to serve their intended purpose. Additionally, the committees are set to expire in 2026 and amendments are needed to extend their duration so these committees can continue to provide input to DFPS.

COMMENTS

The 30-day comment period ended May 24, 2026. During this period, DFPS received two comments regarding the amended rules from the Texas Alliance of Child and Family Services and the Partners for Children and Families Committee. A summary of comments and DFPS's responses follows:

Comment: Why is there a 10-year expiration limit to the Youth Leadership Council and the Parent Collaboration Group advisory committees? Partners for Children and Families Committee.

Response: DFPS understands and agrees with the importance of the question. In 2015, the Sunset Advisory Commission recommended that advisory committees be promulgated in state agency rules. It further recommended that the use of a 10-year expiration limit would be an appropriate term for DFPS advisory committees. Government Code section 2110.008 provides that the state agency which has established an advisory committee may designate the date on which the committee will automatically be abolished. The designation must be by rule. The committee may continue in existence after that date only if the agency amends the rule to provide for a different abolishment date. Unless the state agency designates a different date, the advisory committee is automatically abolished the day after the fourth anniversary of the date of its creation. This rule ensures that advisory committees do not remain indefinitely without a clear end date, promoting fiscal responsibility and efficiency in state agency operations. The commentor did not suggest any rule changes, nor did they approve or disapprove of this rule, therefore DFPS will not be making any additional changes to the rule.

Comment: The Texas Alliance of Child and Family Services commented as follows:

Section 702.513 (Parent Collaboration Group- PCG):

Suggest adding the following language to subsections (b), (c)(1), and (d)(2) to broaden the audience for the recommendations and ensure SSCCs are aware of the input of the parents involved in the PCG so they may take action within their catchment areas based on their knowledge of and experience in those specific communities:

(b) Purpose. The purpose of the PCG is to provide a forum for individuals who have had involvement with the child welfare system as parents to discuss their experiences and make recommendations to the Department and the Single Source Continuum Contractors (SSCCs) for improving the system.

(c) Tasks. The PCG performs the following tasks:

(1) Makes recommendations to the Department and the SSCCs through regularly scheduled meetings and to Department and SSCC staff, as determined by the individual SSCCs, assigned to support the committee;

(d) Reporting requirements and Department action.

(1) the Department will gather information on the PCG activities to compile an annual report.

(2) The annual report may guide Department and/or SSCC policy or practice.

Suggest changing "may" to "shall" in subsection (e)(2) to ensure the SSCCs are engaged in decisions regarding parent members from their respective catchment areas:

Members are appointed by the Regional Directors who shall consult with the Single Source Continuum Contractor when making appointments in a Community Based Care catchment area.

If the PCG is solely to provide input on Child Protective Services cases (beyond investigations which did not lead to an open Family Based Safety Services or Conservatorship case), suggest including language in a new subsection which contemplates the PCG being administered through an independent 3rd party contractor rather than DFPS as the state completely transitions to Community Based Care:

The PCG may be administered by an independent third-party contractor responsible for supporting the PCG.

Section 702.515 (State Youth Leadership Council)

Suggest adding the following language to subsections (b), (c)(1), and (d)(2) to broaden the audience for the recommendations and ensure SSCCs are aware of the input of the youth and young adults involved in the State Youth Leadership Council so they may take action

within their catchment areas based on their knowledge of and experience in those specific communities:

(b) Purpose. The State Youth Leadership Council provides a forum for youth and young adults who are currently or were formerly in foster care to discuss their experiences with the Texas foster care system and make recommendations to the Department and the Single Source Continuum Contractors (SSCCs) for improving the system.

(c) Tasks. The State Youth Leadership Council performs the following tasks:

(1) Makes recommendations to the Department and SSCCs through scheduled meetings based on the availability of the youth or young adults currently or formerly in foster care;

(d) Reporting requirements and Department action.

(1) The Department will gather information on the State Youth Leadership Council's activities to compile an annual report.

(2) The annual report may guide Department and SSCC policy and practice.

Suggest adding the following language in subsection (e)(3) to ensure the SSCCs are engaged in decisions regarding youth and young adult members from their respective catchment areas:

(C) Members are appointed by the Regional Directors who shall consult with the Single Source Continuum Contractor when making appointments in a Community Based Care catchment area.

Suggest amending language in (f) to promote better alignment and coordination between DFPS and SSCC efforts to support youth and young adults with living experience:

(f) Meetings. The State Youth Leadership Council shall convene at a minimum annually. All statewide meeting shall include re-

gional youth leadership group representatives from both Department regions and Single Source Continuum Contractor catchment areas.

Suggest adding a new subsection to allow for the State Youth Leadership Council to be administered through an independent 3rd party contractor rather than DFPS as the state completely transitions to Community Based Care:

The State Youth Leadership Council may be administered by an independent third-party contractor responsible for supporting the council.

Response: DFPS agrees to the change "may" to "shall" as it relates to Regional Directors consulting with an SSCC when making appointments in a Community Based Care catchment area. With this change, DFPS does not see a need to make any other changes for the following reasons. First, SSCCs are represented through community advisory councils. Texas Family Code Section 264.155 requires the SSCC community engagement plans to include communication and collaboration with local stakeholders through a community advisory committee. DFPS includes findings and recommendations from that SSCC advisory committee in its performance review, corrective action plan and applicable improvement measures. Second, a state agency formed advisory committee is statutorily required to advise and make recommendations to that state agency. Third, DFPS is requiring the State Youth Leadership Council to hold one meeting annually that includes council members and local stakeholders from DFPS (regional) groups and SSCC regional committees. Finally, an independent third-party contractor to support the advisory committee is not statutorily permissible. It is the statutory responsibility of the state agency that established the advisory committee to have such a relationship with the committee to evaluate its work, its usefulness, and its costs including those related to the agency's support efforts.

STATUTORY AUTHORITY

The amendments are adopted under Texas Human Resources Code §40.030 which permits the DFPS Commissioner or designee to appoint advisory committees in accordance with Texas Government Code Chapter 2110. Chapter 2110 requires state agency advisory committees to be established by rule and to include provisions on the purpose, tasks, reporting requirements, and duration of each committee. Chapter 2110 also addresses committee composition, presiding officer selection, evaluation, and reporting requirements. Human Resources Code §40.030 permits DFPS to adopt rules governing advisory committee size, membership, appointments, and compliance with Open Meetings.

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

§702.513. *Parent Collaboration Group.*

(a) Establishment. The Parent Collaboration Group ("PCG") is established.

(b) Purpose. The purpose of the PCG is to provide a forum for individuals who have had involvement with the child welfare system as parents to discuss their experiences and make recommendations to the Department for improving the system.

(c) Tasks. The PCG performs the following tasks:

(1) Makes recommendations to the Department through regularly scheduled meetings and Department staff assigned to the committee; and

(2) Performs other tasks consistent with its purpose and by-laws.

(d) Reporting requirements and Department action.

(1) The Department will gather information on the PCG activities to compile an annual report.

(2) The annual report may guide Department policy or practice.

(e) Membership.

(1) The PCG consists of no more than 24 members.

(2) Members are appointed by the Regional Directors who shall consult with the Single Source Continuum Contractor when making appointments in a Community Based Care catchment area.

(3) Membership requirements:

(A) All members must have previously been involved in the child welfare system as parents.

(B) In general, the member's Child Protective Services case must have been closed for one year; the Regional Director or Single Source Continuum Contractor in a Community Based Care catchment area may make exceptions to this rule if the parent is otherwise qualified.

(4) Except as may be necessary to stagger terms, a PCG member serves for a two-year term and may be appointed for additional terms, not to exceed three terms.

(f) Meetings. The PCG will meet a minimum of three times per year.

(g) Decision-making. The committee will make decisions by consensus.

(h) Abolition. The PCG is abolished, and this section expires, August 31, 2036.

(i) The PCG is not a "governmental body" for purposes of the Open Meetings Act, Texas Government Code Chapter 551.

§702.515. *State Youth Leadership Council.*

(a) Establishment. The State Youth Leadership Council is established.

(b) Purpose. The State Youth Leadership Council provides a forum for youth and young adults who are currently or were formerly in foster care to discuss their experiences with the Texas foster care system and make recommendations to the Department for improving the system.

(c) Tasks. The State Youth Leadership Council performs the following tasks:

(1) Makes recommendations to the Department through scheduled meetings based on the availability of the youth or young adults currently or formerly in foster care; and

(2) Performs other tasks consistent with its purpose.

(d) Reporting requirements and Department action.

(1) The Department will gather information on the State Youth Leadership Council's activities to compile an annual report.

(2) The annual report may guide Department policy and practice.

(e) Membership.

(1) The State Youth Leadership Council consists of no more than 24 members.

(2) Members for the State Youth Leadership Council are comprised of regional youth leadership group members from both Department regions and Single Source Continuum Contractor catchment areas, Regional Youth Specialists, Preparation for Adult Living staff, or other individuals familiar with the youth or young adults currently or formerly in foster care.

(3) Membership requirements:

(A) Members should be chosen so that the statewide council represents all regions of the state including Community Based Care catchment areas.

(B) Members must be youth or young adults who are currently or were formerly in foster care and who are at least age 16 but under the age of 21 when appointed.

(f) Meetings. The State Youth Leadership Council shall convene at a minimum annually. At least one statewide meeting shall include regional youth leadership group representatives from both Department regions and Single Source Continuum Contractor catchment areas.

(g) Decision-making. The State Youth Leadership Council will make decisions by consensus.

(h) Abolition. The State Youth Leadership Council is abolished, and this section expires, on August 31, 2036.

(i) The State Youth Leadership Council is not a "governmental body" for purposes of the Open Meetings Act, Texas Government Code Chapter 551.

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 June 15, 2026.

TRD-202602445

Sanjuanita Maltos

Rules Coordinator

Department of Family and Protective Services

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



PART 20. TEXAS WORKFORCE COMMISSION

CHAPTER 800. GENERAL ADMINISTRATION SUBCHAPTER E. ADVISORY COMMITTEES

40 TAC §§800.170 - 800.172

The Texas Workforce Commission (TWC) adopts the following new sections to Chapter 800, relating to General Administration:

Subchapter E. Advisory Committees, §§800.170 - 800.172

New §§800.170 - 800.172 are adopted without changes to the proposal, as published in the April 10, 2026, issue of the *Texas*

Register (51 TexReg 2344), and, therefore, the adopted rule text will not be published.

PART I. PURPOSE, BACKGROUND, AND AUTHORITY

The purpose of the Chapter 800 rule change is to establish by rule abolishment dates for TWC's advisory committees in accordance with Texas Government Code, Chapter 2110.

Under the statute, unless prohibited by another state law or federal law or regulation, an advisory committee is automatically abolished on the fourth anniversary of its creation date, unless the state agency by rule designates the date on which the committee will automatically be abolished. The committee may continue in existence after that date only if the agency amends the rule to provide for a different abolishment date.

This rulemaking sets specific abolishment dates for the following TWC advisory committees that are subject to Texas Government Code, Chapter 2110:

--Industry-Based Certifications Advisory Council;

--Jobs and Education for Texans Advisory Committee; and

--Lone Star Workforce of the Future Advisory Board.

Chapter 800, Subchapter E, does not apply to TWC advisory committees that are exempt from the provisions of Texas Government Code, Chapter 2110, because of another state law or a federal law or regulation.

In the development of the proposed rules, TWC's Office of General Counsel consulted the points of contact for each advisory committee affected by this rulemaking.

PART II. EXPLANATION OF INDIVIDUAL PROVISIONS

SUBCHAPTER E. ADVISORY COMMITTEES

TWC adopts new Subchapter E, as follows:

§800.170. Definition

New §800.170 defines "Advisory Committee" as it is defined by Texas Government Code, §2110.001.

§800.171. Creation and Duration of Advisory Committees Created by the Commission

New §800.171 provides the abolishment date of an advisory committee created by TWC in accordance with Texas Government Code, §2110.008(b).

§800.172. Duration of Advisory Committees

New §800.172 sets specific abolishment dates for the applicable TWC advisory committees.

PART III. PUBLIC COMMENTS

The comment period ended on May 11, 2026. No comments were received.

PART IV. STATUTORY AUTHORITY

The new rules are adopted under:

--Texas Government Code, §2110.008, which requires a state agency to set by rule an advisory committee abolishment date if the agency chooses to designate such a date.

--Texas Labor Code, §301.0015, which provides TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of TWC services and activities.

The new rules relate to Title 4, Texas Labor Code, particularly Chapter 312, and Title 3, Texas Education Code, particularly Chapter 134 and Chapter 134A.

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 June 9, 2026.

TRD-202602332

Les Trobman

General Counsel

Texas Workforce Commission

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For further information, please call: (737) 301-9662



CHAPTER 806. PURCHASES OF PRODUCTS AND SERVICES FROM PEOPLE WITH DISABILITIES

SUBCHAPTER J. TRANSITION AND RETENTION PLANS

40 TAC §§806.100 - 806.104

The Texas Workforce Commission (TWC) adopts the repeal of the following sections of Chapter 806, relating to Purchases of Products and Services from People with Disabilities, as follows:

Subchapter J. Transition and Retention Plans, §§806.100 - 806.104

Repealed §§806.100 - 806.104 are adopted without changes to the proposal, as published in the April 10, 2026, issue of the *Texas Register* (51 TexReg 2346), and, therefore, the adopted rule text will not be published.

PART I. PURPOSE, BACKGROUND, AND AUTHORITY

The purpose of the Chapter 806 rulemaking is to repeal Subchapter J, Transition and Retention Plans, because the statute on which the rules in Subchapter J are based expired September 1, 2023.

The Purchasing from People with Disabilities (PPD) program encourages Texas state agencies and political subdivisions to give preference to purchasing products and services offered by community rehabilitation programs (CRPs) that employ people with disabilities, helping them achieve and maintain their independence through gainful employment.

Texas Human Resources Code, §122.0076, requires any CRP participating in the PPD program to pay each worker with a disability who is employed by the CRP at least the federal minimum wage.

Expired Texas Human Resources Code, §122.0075, as set forth by Senate Bill 753, 86th Texas Legislature, Regular Session, 2019, required CRPs that were paying their workers with disabilities less than the federal minimum wage to develop a plan to increase those wages to at least the federal minimum wage in order to continue participating in the PPD program. This statute expired on September 1, 2023, and, consequently, so did the rules under Chapter 806, Subchapter J, which the Commission

adopted for the purpose of implementing the CRP minimum wage transition planning requirement.

TWC ensures CRP compliance with the minimum wage requirement under Texas Human Resources Code, §122.0076, through compliance monitoring, which, among other requirements in Chapter 806, requires each participating CRP to file a quarterly employee wage and hour report and for the CRP to recertify for continued PPD program participation every three years.

TWC informed CRPs currently participating in the PPD program of the proposed action to repeal Chapter 806, Subchapter J in its entirety.

PART II. EXPLANATION OF INDIVIDUAL PROVISIONS

SUBCHAPTER J. TRANSITION AND RETENTION PLANS

TWC adopts the repeal of Subchapter J, in its entirety, as follows:

§806.100. Scope and Purpose

§806.101. Requirements for Transition and Retention Plans

§806.102. Extensions for Transition and Retention Plans

§806.103. Withdrawal from the Program

§806.104. New CRPs during the TRP Period

PART III. PUBLIC COMMENTS

The comment period ended on May 11, 2026. No comments were received.

PART IV. STATUTORY AUTHORITY

The repeals are adopted under the authority of:

--Texas Human Resources Code, §122.0075(h), which set a September 1, 2023, expiration date for §122.0075;

--Texas Human Resources Code, §122.013, which grants the Commission authority to adopt rules for the administration of Texas Human Resources Code, Chapter 122; and

--Texas Labor Code, §301.0015(6) and §302.002(d), which provide TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of TWC services and activities.

The adopted repeals relate to Title 8, Texas Human Resources Code, Chapter 122.

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 June 9, 2026.

TRD-202602333

Les Trobman

General Counsel

Texas Workforce Commission

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Proposal publication date: April 10, 2026

For further information, please call: (737) 301-9662



CHAPTER 838. TEXAS INDUSTRY-RECOGNIZED APPRENTICESHIP GRANT PROGRAM

The Texas Workforce Commission (TWC) adopts amendments to the following sections of Chapter 838, relating to the Texas Industry-Recognized Apprenticeship Grant Program:

Subchapter A. General Purpose and Definitions, §838.2

Subchapter B. Grant Program, §838.12

Subchapter C. Program Administration, §838.21 and §838.24

The amendments to §§838.2, 838.12, 838.21, and 838.24 are adopted without changes to the proposed text, as published in the February 20, 2026, issue of the *Texas Register* (51 TexReg 1034), and, therefore, the adopted rule text will not be published.

PART I. PURPOSE, BACKGROUND, AND AUTHORITY

The purpose of the Chapter 838 rule change is to implement the provisions of House Bill 3260 (HB 3260), enacted by the 89th Texas Legislature, Regular Session, 2025, relating to the Texas Industry-Recognized Apprenticeship (TIRA) Grant Program.

HB 3260 amended Texas Labor Code, Chapter 302, Subchapter I, Texas Industry-Recognized Apprenticeship Programs Grant Program, to enable TWC to respond better to workforce needs by more efficiently using the TIRA Grant Program and encouraging employers to participate in growing the state's skilled workforce.

Amended Texas Labor Code, §302.256, allows TWC to issue partial reimbursement payments to an eligible grant recipient as a program participant achieves on-the-job training and employment milestones instead of after the participant has completed the program.

Amended Texas Labor Code, §302.257, requires the Commission to adopt rules establishing a process for and criteria by which the Commission recognizes apprenticeable occupations and certifies training programs. It also requires rules for setting performance metrics and making aggregated performance data available via TWC's website.

PART II. EXPLANATION OF INDIVIDUAL PROVISIONS

(Note: Minor editorial changes are made that do not change the meaning of the rules and, therefore, are not discussed in the Explanation of Individual Provisions.)

SUBCHAPTER A. GENERAL PURPOSE AND DEFINITIONS

TWC adopts the following amendments to Subchapter A:

Section 838.2. Definitions

Section 838.2 is amended to add definitions for "Recognized Occupation" and "TIRA Application and Implementation Guide."

The definition of "Texas Industry-Recognized Apprenticeship" is also amended to clarify that TWC determines which occupations are apprenticeable and that TWC certifies training programs as TIRAs, and that TIRA training programs must pay participants at least the Tri-Agency self-sufficiency wage instead of the local workforce development area's self-sufficiency wage.

SUBCHAPTER B. GRANT PROGRAM

TWC adopts the following amendments to Subchapter B:

Section 838.12. Notice of Grant Availability and Application

Section 838.12 is amended to add that the TIRA Application and Implementation Guide and links to TWC-approved apprenticeable occupations will be published on TWC's website.

Section 838.12 is also amended to add existing §838.24(2), relating to performance as a factor in determining funding eligibility, as new §838.12(b)(4).

SUBCHAPTER C. PROGRAM ADMINISTRATION

TWC adopts the following amendments to Subchapter C:

Section 838.21. Texas Industry-Recognized Apprenticeship Grants

Section 838.21(a) is amended to clarify the TIRA program's training and employment completion requirements.

Section 838.21 is also amended to add §838.21(c), which states that eligible TIRA grant recipients may receive reimbursements as training program participants achieve established milestones. Additionally, §838.21(c) states that the grant recipient must repay any milestone reimbursements received for any participant who does not complete the training program, including employment requirements, in a manner specified in the grant agreement.

Section 838.24. Performance

Section 838.24 is amended to add the performance requirements set forth in HB 3260.

Section 838.24 is also amended to remove §838.24(2), which is added as new §838.12(b)(4).

PART III. PUBLIC COMMENTS

The comment period ended on March 23, 2026.

TWC received comments from the following:

--AT&T

--MasTec

--Tekscend Photomask Round Rock Inc.

--Texas AFL-CIO and Texas State Building and Construction Trades Council

--State Representative Chris Turner

COMMENT: Tekscend Photomask Round Rock Inc. (Tekscend) expressed support for the proposed rule changes, specifically the removal of the requirement to use the targeted occupations list and the continuation of TWC's discretion to certify occupations outside the state's top 25 targeted occupations and the US Department of Labor's (DOL) Registered Apprenticeship list.

RESPONSE: The Commission appreciates Tekscend's support for the proposed rule changes. No changes were made in response to this comment.

COMMENT: AT&T expressed support for TWC's efforts to expand apprenticeship opportunities, particularly in broadband-related fields, but raised concerns about proposed §838.21(c). They noted that requiring employers to repay milestone reimbursements when apprentices resign voluntarily, or are terminated for cause, conflicts with the intent of milestone-based funding and may discourage participation. AT&T recommended revising the rule to exempt situations outside an employer's control while preserving accountability where appropriate.

RESPONSE: The Commission appreciates the commenter's support for expanding apprenticeship opportunities, including those that strengthen the broadband workforce. The Commission acknowledges the concerns raised regarding potential

repayment of milestone-based reimbursements. However, Texas Labor Code, §302.256 limits the Commission to awarding partial-award grants as reimbursements for the cost of training industry-recognized apprenticeship program participants only when both of the following conditions are met:

- Completion of an eligible program; and
- Suitable employment maintained for at least 12 consecutive months.

These statutory requirements include provisions governing milestone-based payments and repayment obligations. Accordingly, no changes were made in response to this comment.

The Commission also recognizes that the statute does not require the 12 months of consecutive employment to be with the grantee. Agency staff will therefore clarify in the TIRA Application and Implementation Guide that post-training employment must be in the industry in which the apprentice was trained, which may include--but is not limited to--employment with the grantee. No changes were made in response to this comment.

COMMENT: State Representative Chris Turner expressed his support for TWC's efforts to expand apprenticeship opportunities and emphasized the importance of the TIRA Grant Program in meeting the state's skilled-worker needs. Representative Turner highlighted his legislative support for HB 2784 and HB 3260, noting that the latter strengthened reporting and transparency requirements for apprenticeship programs. Representative Turner urged the Commission to fully implement these reporting and public-transparency provisions to ensure accountability and program effectiveness. Representative Turner also thanked the Commission for its continued commitment to apprenticeship expansion.

RESPONSE: The Commission appreciates Representative Turner's support for expanding apprenticeship opportunities in Texas and its recognition of the importance of the TIRA Grant Program. The Commission also acknowledges his emphasis on the reporting and transparency provisions enacted by the legislature. As the agency responsible for implementing the statutory requirements of HB 3260, the Commission remains committed to ensuring that performance metrics, reporting timelines, and public transparency measures are fully carried out as directed. No changes were made in response to this comment.

COMMENT: The Texas AFL-CIO and Texas State Building and Construction Trades Council jointly submitted comments emphasizing the long-standing role of Registered Apprenticeship Programs (RAPs) as the national benchmark for high-quality workforce training.

The commenters raised concerns that allowing lower-quality programs to use the "apprenticeship" label without comparable oversight creates confusion for workers and employers and undermines the credibility of established apprenticeship pathways. They urged TWC to ensure that any program designated as an apprenticeship meets strong, transparent standards consistent with federal regulations, as required by HB 3260.

The commenters stated it was "important to emphasize the implementation and enforcement of the transparency guidelines outlined in HB 3260." The commenters further added that this includes public reporting of completion rates, retention outcomes, and wage data for participants supported with state funds. They recommended that the Commission adopt clear rules for data reporting, including:

- Annual public data release within 90 days of the TIRA program year's end;
- Retention outcomes measured 12 months after completion;
- Wage data at entry, completion, and post-completion;
- Program-level data disaggregated by the grant recipient; and
- Publication in accessible, searchable, and machine-readable formats.

The commenters stated that public transparency is essential for evaluating program effectiveness and ensuring taxpayer dollars support training that leads to real skills, stable employment, and long-term career pathways.

RESPONSE: The Commission appreciates the comments submitted. The Commission recognizes the commenters' concerns regarding potential confusion if programs that do not meet comparable quality and oversight standards are permitted to use the "apprenticeship" label. The Commission agrees that program performance information is essential for evaluating state investments and ensuring that training leads to meaningful skills, stable employment, and long-term career pathways. As part of the annual report required under this chapter, the Commission will consider these recommendations and include any legislative or programmatic changes, as authorized by statute, to help increase the state's return on investment. No changes were made in response to this comment.

COMMENT: MasTec expressed support for the expansion of high-quality apprenticeship opportunities under the TIRA program. The company emphasized that Texas faces significant telecommunications workforce shortages and urged TWC to adopt a broad, inclusive approach when certifying apprenticeable occupations under §838.11. MasTec recommended recognizing the full range of broadband-related roles--from entry-level craft positions to advanced technical and supervisory jobs--and encourages ongoing stakeholder engagement and regular updates to ensure the certified occupations list reflects evolving workforce needs.

MasTec also noted that telecommunications training requires substantial employer investment and that training programs are designed to move workers quickly into the field. MasTec stated that requiring 12 consecutive post-training months of employment before reimbursement does not align with industry realities, limits employer control over retention, and may discourage TIRA participation. MasTec recommended revising §838.21(b) to allow training time to count toward the 12-month requirement or reverting to the prior, more flexible standard, along with clearer guidance on compliance and documentation.

Additionally, MasTec expressed concerns about the proposed requirement that employers repay milestone reimbursements when participants do not complete training or meet post-training employment requirements, even when departures are voluntary or for cause. MasTec argues that such an approach conflicts with statute, creates uncertainty, and could deter employer participation. MasTec recommended revising §838.21(c) so that employers would retain milestone reimbursements when they have met training obligations, with repayment required only when the employer fails to provide required training or terminates a participant without cause. MasTec suggested clarifying language and appropriate record-keeping requirements to support this approach.

RESPONSE: The Commission appreciates the comments regarding the need for a broad and flexible approach to certifying apprenticeable occupations under §838.11. The Commission, consistent with legislative intent, recognizes the significant workforce demands associated with broadband deployment and the importance of ensuring that the TIRA Grant Program reflects current and emerging labor market needs. This priority is underscored by the 89th Texas Legislature's additional \$5 million appropriation to support broadband-related apprenticeship training and engineering and construction occupations.

The Commission acknowledges MasTec's concerns regarding the proposed 12-month consecutive post-training employment requirement and the unique workforce dynamics within the telecommunications sector. The Commission understands that training investments are substantial and that project-based work can affect employment continuity. The Commission also appreciates the request for clearer compliance guidance and will outline these programmatic details in the TIRA Application and Implementation Guide.

The Commission appreciates the comments on the proposed repayment provisions and recognizes concerns that requiring repayment when participants leave voluntarily or for cause may create uncertainty for employers. However, Texas Labor Code, §302.256 limits the Commission to awarding partial award grants as reimbursements only when both of the following conditions are met:

- Completion of an eligible program; and
- Suitable employment maintained for at least 12 consecutive months.

These statutory requirements govern milestone-based payments and repayment obligations.

The Commission also notes that the statute does not require the 12 months of employment to be with the grantee. TWC staff will clarify in the TIRA Application and Implementation Guide that post-training employment must be in the industry in which the apprentice was trained, which may include--but is not limited to--employment with the grantee.

No changes were made as a result of these comments.

SUBCHAPTER A. GENERAL PURPOSE AND DEFINITIONS

40 TAC §838.2

PART IV. STATUTORY AUTHORITY

The rule is adopted under the authority of:

--Texas Labor Code, §302.256, as amended by HB 3260, 89th Texas Legislature, Regular Session, 2025, which authorizes TWC to establish rules for distributing partial reimbursement payments to eligible individuals in on-the-job training programs as they achieve specific milestones.

--Texas Labor Code, §302.257, as amended by HB 3260, 89th Texas Legislature, Regular Session, 2025, which requires TWC to adopt rules for the administration and enforcement of the TIRA Grant Program.

--Texas Labor Code, §301.0015 and §302.002(d), which provide TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of TWC services and activities.

The rule relates to Title 4, Texas Labor Code, particularly Chapter 302, Subchapter I.

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 June 9, 2026.

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Texas Workforce Commission

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For further information, please call: (737) 301-9662



SUBCHAPTER B. GRANT PROGRAM

40 TAC §838.12

The rule is adopted under the authority of:

--Texas Labor Code, §302.256, as amended by HB 3260, 89th Texas Legislature, Regular Session, 2025, which authorizes TWC to establish rules for distributing partial reimbursement payments to eligible individuals in on-the-job training programs as they achieve specific milestones.

--Texas Labor Code, §302.257, as amended by HB 3260, 89th Texas Legislature, Regular Session, 2025, which requires TWC to adopt rules for the administration and enforcement of the TIRA Grant Program.

--Texas Labor Code, §301.0015 and §302.002(d), which provide TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of TWC services and activities.

The rule relates to Title 4, Texas Labor Code, particularly Chapter 302, Subchapter I.

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SUBCHAPTER C. PROGRAM ADMINISTRATION

40 TAC §838.21, §838.24

The rules are adopted under the authority of:

--Texas Labor Code, §302.256, as amended by HB 3260, 89th Texas Legislature, Regular Session, 2025, which authorizes TWC to establish rules for distributing partial reimbursement

payments to eligible individuals in on-the-job training programs as they achieve specific milestones.

--Texas Labor Code, §302.257, as amended by HB 3260, 89th Texas Legislature, Regular Session, 2025, which requires TWC to adopt rules for the administration and enforcement of the TIRA Grant Program.

--Texas Labor Code, §301.0015 and §302.002(d), which provide TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of TWC services and activities.

The rules relate to Title 4, Texas Labor Code, particularly Chapter 302, Subchapter I.

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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