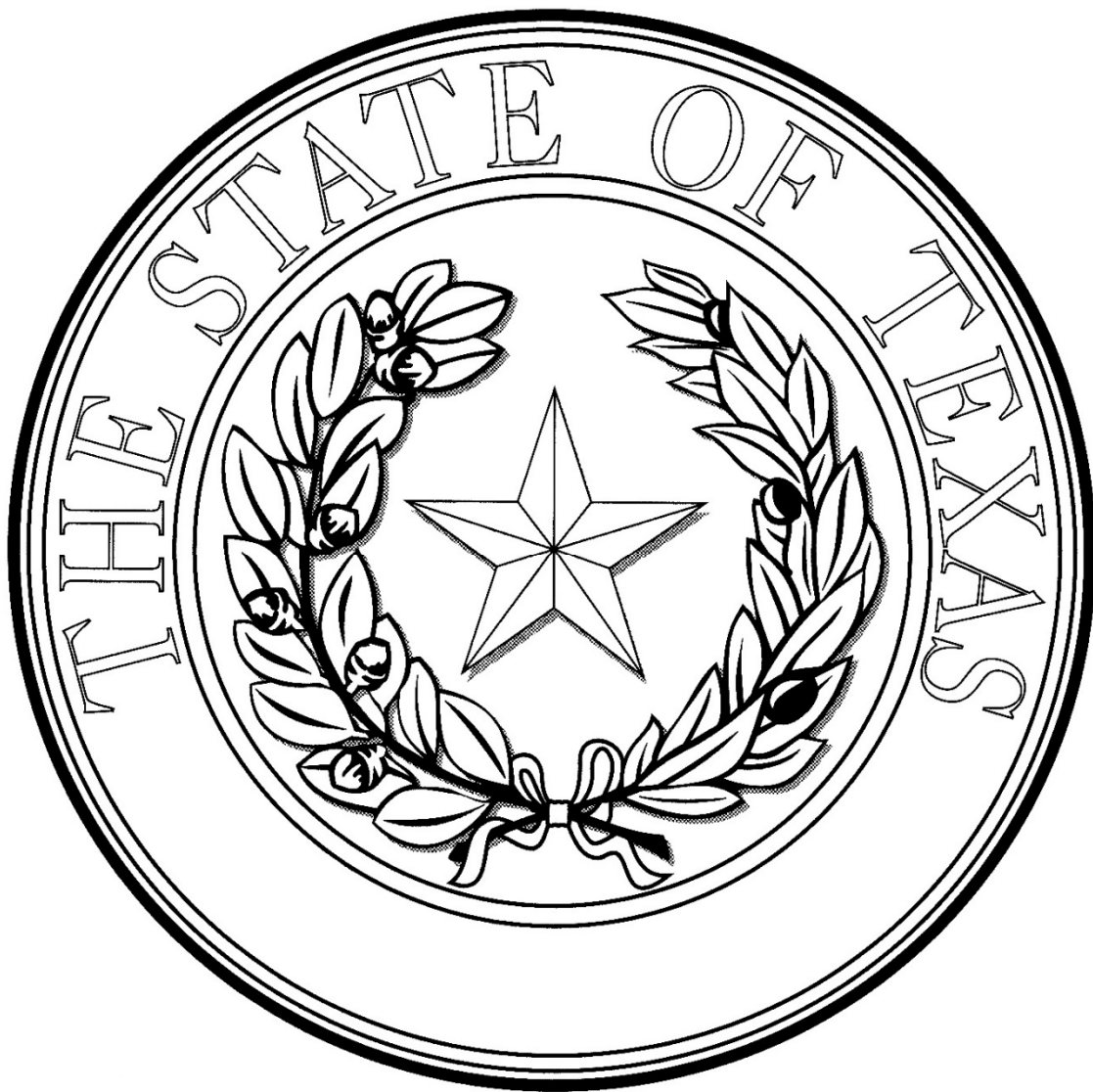

TEXAS REGISTER

Volume 50 Number 37

September 12, 2025

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THE ATTORNEY GENERAL

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

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

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

Requests for Opinions

RQ-0610-KP

Requestor:

The Honorable Gary D. Trammel

Stephens County Attorney

200 West Walker, Room 206

Breckenridge, Texas 76424

Re: Miscellaneous questions regarding commissioners court authority over employees of local elected officials (RQ-0610-KP)

Briefs requested by September 29, 2025

RQ-0611-KP

Requestor:

The Honorable Brooks Landgraf

Chair, House Committee on Environmental Regulation

Texas House of Representatives

Post Office Box 2910

Austin, Texas 78768-2910

Re: Purchase or acquisition of an interest in real property by certain aliens or foreign entities under SB 17 (89R) (RQ-0611-KP)

Briefs requested by September 29, 2025

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

TRD-202503132

Justin Gordon

General Counsel

Office of the Attorney General

Filed: September 2, 2025



Opinions

Opinion No. KP-0496

The Honorable Josh Tetens

McLennan County District Attorney

219 North 6th Street, Suite 200

Waco, Texas 76701

Re: Use of funds collected under Local Government Code section 118.0216 (RQ-0549-KP)

SUMMARY

The records management and preservation fee collected by a county clerk pursuant to Local Government Code subsection 118.011(b)(2) may be used only for documents filed and recorded with the county clerk, in accordance with subsection 118.0216(a). This would not, however, prevent the county clerk's office from contributing a pro rata share of those fees to a joint records management and preservation project with the district clerk's office.

Opinion No. KP-0497

The Honorable Keith L. Cook

Leon County Attorney

Post Office Box 429

Centerville, Texas 75833

Re: Authority of the Health and Human Services Commission to regulate and license providers of Individualized Skills and Socialization services under chapter 103 of the Human Resources Code or other law (RQ-0555-KP)

SUMMARY

Chapter 103 of the Texas Human Resources Code allows the Health and Human Services Commission to regulate on-site and off-site Individualized Skills and Socialization (ISS) providers already licensed as Day Activity and Health Services (DAHS) facilities. As such, the Commission does not exceed its rulemaking authority by establishing licensing procedures, standards, and other requirements for the ISS providers already licensed as DAHS facilities—so long as the rules are consistent with Chapter 103.

For violations where subsections 103.012(b) and 103.013(c) of the Human Resources Code are triggered, any rule imposing administrative penalties against licensed on- and off-site ISS providers in excess of the monetary amounts outlined in these subsections would exceed the Commission's authority under Chapter 103.

Opinion No. KP-0498

The Honorable Donna Campbell, M.D.

Chair, Senate Committee on Nominations

Texas State Senate

Post Office Box 12068

Austin, Texas 78711-2068

Re: Zoning procedures, notification requirements, and eligibility for protests under Chapter 211 of the Local Government Code (RQ-0577-KP)

S U M M A R Y

The owner of real property within 200 feet of a proposed change in zoning classification is entitled to written notice of a hearing before the zoning commission if the owner is indicated as such on the most recently approved municipal tax roll.

The plain text of the Local Government Code does not require that an owner be listed on the most recently approved municipal tax roll to count toward the protest calculation regarding a proposed classification change before the governing body.

Other than use of the municipal tax roll to identify an owner entitled to written notice of a hearing before the zoning commission, Local Government Code subsections 211.006(d) and 211.007(c) neither direct nor prohibit the use of external records or a specific method or course of action to verify an owner.

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

TRD-202503135

Justin Gordon

General Counsel

Office of the Attorney General

Filed: September 2, 2025



TEXAS ETHICS COMMISSION

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

Ethics Advisory Opinion Requests

Whether members of the State Employee Charitable Campaign Policy Committee are appointed officers required to file a Personal Financial Statement. (AOR-731.)

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

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

Issued in Austin, Texas, on September 2, 2025.

TRD-202503133
Natalie McDermon
Interim General Counsel
Texas Ethics Commission
Filed: September 2, 2025



Whether a member of the legislature may use campaign funds to reimburse lodging and meal expenses incurred in connection with officeholder duties during the interim if the member also receives a state per diem for that day of legislative work. (AOR-732.)

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

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

Issued in Austin, Texas, on September 2, 2025.

TRD-202503134
Natalie McDermon
Interim General Counsel
Texas Ethics Commission
Filed: September 2, 2025



Whether certain Public Service Announcements (PSAs) produced by a nonprofit corporation and featuring Texas state elected officials would trigger any campaign finance reporting requirements or require a political advertising disclosure statement. (AOR-733.)

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

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

Issued in Austin, Texas, on September 2, 2025.

TRD-202503136
Natalie McDermon
Interim General Counsel
Texas Ethics Commission
Filed: September 2, 2025



Whether a current State Board of Education (SBOE) member can provide continuing professional development to educators in return for compensation during their SBOE service. (AOR-734.)

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

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

Issued in Austin, Texas, on September 2, 2025.

TRD-202503137
Natalie McDermon
Interim General Counsel
Texas Ethics Commission
Filed: September 2, 2025



Whether the TEC has authority to assess a civil penalty for a late personal financial statement filed by a director of the Harris County-Houston Sports Authority. (AOR-735.)

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

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

Issued in Austin, Texas, on September 2, 2025.

TRD-202503138
Natalie McDermon
Interim General Counsel
Texas Ethics Commission
Filed: September 2, 2025

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PROPOSED RULES

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

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

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

TITLE 19. EDUCATION

PART 2. TEXAS EDUCATION AGENCY

CHAPTER 67. STATE REVIEW AND APPROVAL OF INSTRUCTIONAL MATERIALS SUBCHAPTER AA. INSTRUCTIONAL MATERIALS AND TECHNOLOGY ALLOTMENT

19 TAC §67.1001

The Texas Education Agency (TEA) proposes an amendment to §67.1001, concerning the instructional materials and technology allotment. The proposed amendment would implement Senate Bill (SB) 13, 89th Texas Legislature, Regular Session, 2025, and codify a tacit allowable expense by updating the allowable expenditures from a district's instructional materials and technology allotment.

BACKGROUND INFORMATION AND JUSTIFICATION: SB 13, 89th Texas Legislature, Regular Session, 2025, added TEC, §33.023(d), which requires school districts to adopt procedures for parental access to a school district's library catalog and access by the parent's child to certain library materials. The statute allows a school district to use funds from its instructional materials and technology allotment to comply with the requirement.

To implement SB 13, new §67.1001(e)(6) would specify that allotment funds may be used to pay for costs connected to parents' ability to access the library or for access by their child to certain materials.

New §67.1001(e)(5) would specify that allotment funds may be used to pay for software relating to analyzing content for its appropriateness to Texas Essential Knowledge and Skills content under TEC, §28.002. This addition would codify into rule a tacit allowable expense already in practice.

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

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

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural commu-

nities; therefore, no regulatory flexibility analysis, specified in Texas Government Code, §2006.002, is required.

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

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

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would expand an existing regulation by clarifying additional guidance regarding allowable uses of the Instructional Materials and Technology Allotment.

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

PUBLIC BENEFIT AND COST TO PERSONS: Mr. Davis has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be to provide school districts with clarifications on the allowable uses of the instructional materials and technology allotment. There is no anticipated economic cost to persons who are required to comply with the proposal.

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

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

PUBLIC COMMENTS: The public comment period on the proposal begins September 12, 2025, and ends October 13, 2025. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on September 12, 2025. A form for submitting public comments is available on the TEA website at https://tea.texas.gov/About_TEA/Laws_and_Rules/Com-

missioner_Rules_(TAC)/Proposed_Commissioner_of_Education_Rules/.

STATUTORY AUTHORITY. The amendment is proposed under Texas Education Code (TEC), §31.003(b), which authorizes the commissioner of education to adopt rules consistent with TEC, Chapter 31, as necessary to implement a provision of the chapter that the commissioner or the agency is responsible for implementing; TEC, §31.0211, which permits the commissioner to adopt rules regarding the instructional materials and technology allotment, including the amount of the per-student allotment, the authorization of juvenile justice alternative education program allotments, allowed expenditures, required priorities, and adjustments to the number of students for which a district's allotment is calculated; TEC, §31.0212, which addresses the documentation required for requisitions and disbursements to be approved, districts' online instructional materials ordering system accounts, and school district submissions to the commissioner of the title and publication information for any materials the districts purchase with their allotments; TEC, §31.0215, which addresses allotment purchases, including announcing to districts the amount of their allotments and delayed payment options; TEC, §31.029, which requires the commissioner to adopt rules regarding instructional materials for use in bilingual education classes; TEC, §31.031, which requires the commissioner to adopt rules regarding the purchase of college preparatory instructional materials with the allotment; TEC, §31.071, which addresses state-developed open-source instructional materials; TEC, §31.076, which permits the commissioner to adopt rules necessary to implement TEC, Chapter 31, Subchapter B-1, and states that a decision made by the commissioner under the subchapter is final and may not be appealed; TEC, §31.104, which requires the commissioner to adopt rules that include criteria for determining whether instructional materials and technological equipment are returned in an acceptable condition; TEC, §33.023(d), as added by SB 13, 89th Texas Legislature, Regular Session, 2025, which authorizes school districts and open-enrollment charter schools to use funds from the district's or school's instructional materials and technology allotment under TEC, §31.0211, for costs associated with complying with statutes relating to parental access to library catalog and access by the parent's child to certain library materials; TEC, §48.004, which requires the commissioner to adopt rules, act, and require reports consistent with TEC, Chapter 48, as necessary to implement and administer the Foundation School Program.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code, §§31.003(b); 31.0211; 31.0212; 31.0215; 31.029; 31.031; 31.071; 31.076; 31.104; 33.023(d), as added by Senate Bill 13, 89th Texas Legislature, Regular Session, 2025; and 48.004.

§67.1001. Instructional Materials and Technology Allotment.

(a) The commissioner of education shall determine the amount of the Instructional Materials and Technology Allotment for a school district or an open-enrollment charter school based on Texas Student Data System Public Education Information Management System (TSDS PEIMS) student enrollment data from the fall snapshot collection of the school year preceding the first year of each biennium.

(b) The commissioner shall determine the amount of the allotment for Texas Juvenile Justice Department facilities.

(c) The commissioner shall determine the amount of the allotment for bilingual education based on TSDS PEIMS bilingual enrollment data from the fall collection of the school year preceding the first year of each biennium.

(d) The amount of the allotments determined by the commissioner in this section is final and may not be appealed.

(e) Allotment funds may be used to pay for:

(1) any approved uses outlined in Texas Education Code (TEC), §31.0211(c);

(2) formats of instructional materials that are fully accessible to students with disabilities;

(3) activities related to the local review and adoption of instructional materials; [and]

(4) software for analyzing the use and effectiveness of instructional materials;[-]

(5) software for analyzing the appropriateness of instructional materials necessary for the teaching of, instruction in, or demonstration of knowledge of the essential knowledge and skills adopted under TEC, §28.002; and

(6) costs associated with complying with TEC, §33.023, relating to parental access to library catalog and access by the parent's child to certain library materials.

(f) Allotment funds may not be used to pay for:

(1) services for installation;

(2) the physical conduit that transmits data, such as cabling and wiring, or electricity;

(3) office and school supplies;

(4) items that are not directly related to student instruction, such as furniture, athletic equipment, extension cords, temporary contractors, or video surveillance equipment;

(5) travel expenses;

(6) equipment used for moving or storing instructional materials;

(7) instructional material that contains obscene or harmful content or would otherwise cause the school district to which the funds were allotted to be unable to submit the certification required under TEC, §31.11011(a)(1)(B); or

(8) instructional material that incorporates three-cueing in the phonics curriculum required under TEC, Chapter 28.

(g) The allotments for each biennium will be made available for school district and open-enrollment charter school use through the state's online instructional materials ordering system as early as possible in the fiscal year preceding the beginning of the biennium for which the funds have been appropriated.

(h) A school district or an open-enrollment charter school may access its allotment funds for an upcoming school year after submitting to the commissioner:

(1) certification that the school district or open-enrollment charter school has instructional materials that cover all the required Texas Essential Knowledge and Skills (TEKS), except those for physical education, as required by TEC, §31.1011;

(2) certification that the school district or open-enrollment charter school has used its allotment for only the allowable expenditures provided in subsection (e) of this section; and

(3) information regarding the instructional materials used by the district during the previous school year, including the cost of each material as required by TEC, §31.1012.

(i) Upon completion of the requirements listed in subsection (h) of this section, school districts and open-enrollment charter schools may access their allotment funds by correctly providing all the information required in the state ordering system.

(j) Information required in the state ordering system may include verification of TEKS coverage for certain disbursement requests.

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

Filed with the Office of the Secretary of State on August 29, 2025.

TRD-202503121

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Earliest possible date of adoption: October 12, 2025

For further information, please call: (512) 463-9526



TITLE 22. EXAMINING BOARDS

PART 5. STATE BOARD OF DENTAL EXAMINERS

CHAPTER 103. DENTAL HYGIENE LICENSURE

22 TAC §103.2

The State Board of Dental Examiners (Board) proposes this amendment to 22 TAC §103.2, pertaining to dental hygiene licensure by examination. The proposed amendment changes the remediation requirements by (1) allowing applicants to take a remediation course before or after passing an examination to give applicants flexibility on when to take the course, and (2) allowing Board staff to approve the remediation course.

FISCAL NOTE: Casey Nichols, Executive Director, has determined that for the first five-year period the proposed rule is in effect, the proposed rule does not have foreseeable implications relating to cost or revenues of the state or local governments.

PUBLIC BENEFIT-COST NOTE: Casey Nichols has also determined that for the first five-year period the proposed rule is in effect, the public benefit anticipated as a result of this rule will be the protection of public safety and welfare.

LOCAL EMPLOYMENT IMPACT STATEMENT: Casey Nichols has also determined that the proposed rule does not affect local economies and employment.

SMALL AND MICRO-BUSINESS, RURAL COMMUNITY IMPACT STATEMENT: Casey Nichols has determined that no economic impact statement and regulatory flexibility analysis for small businesses, micro-businesses, and rural communities is necessary for this proposed rule.

GOVERNMENT GROWTH IMPACT STATEMENT: The Board has determined that for the first five-year period the proposed rule is in effect, the following government growth effects apply: (1) the proposed rule does not create or eliminate a government program; (2) implementation of the proposed rule does not require the creation or elimination of employee positions; (3) the implementation of the proposed rule does not require an in-

crease or decrease in future appropriations; (4) the proposed rule does not require an increase in fees paid to the agency; (5) the proposed rule does not create a new regulation; (6) the proposed rule does not expand an existing regulation; (7) the proposed rule does not increase or decrease the number of individuals subject to it; and (8) the proposed rule does not positively or adversely affect the state's economy.

Comments on the proposed rule may be submitted to Casey Nichols, Executive Director, 1801 Congress Avenue, Suite 8.600, Austin, Texas 78701, by fax to (512) 649-2482, or by email to official_rules_comments@tsbde.texas.gov for 30 days following the date that the proposed rule is published in the *Texas Register*. To be considered for purposes of this rulemaking, comments must be: (1) postmarked or shipped by the last day of the comment period; or (2) faxed or e-mailed by midnight on the last day of the comment period.

This rule is proposed under Texas Occupations Code §254.001(a), which gives the Board authority to adopt rules necessary to perform its duties and ensure compliance with state laws relating to the practice of dentistry to protect the public health and safety.

No statutes are affected by this proposed rule.

§103.2. Licensure by Examination.

(a) In addition to the general qualifications for licensure contained in §103.1 of this chapter (relating to General Qualifications for Licensure), an applicant for dental hygienist licensure by examination must present proof that the applicant has taken and passed the appropriate live patient or hands-on simulation clinical examination administered by a regional examining board designated by the Board.

(b) Designated regional examining boards.

(1) The following regional examining boards have been designated as acceptable by the Board as of the effective dates shown:

(A) The Commission on Dental Competency Assessments-The Western Regional Examining Board-The Council of Interstate Testing Agencies (CDCA-WREB-CITA), August 1, 2022; and

(B) Central Regional Dental Testing Service-States Resources for Testing and Assessments (CRDTS-SRTA), January 6, 2025.

(2) Examination results will be accepted for seven years from the date of the examination.

(c) Remediation.

(1) If an applicant for Texas dental hygienist licensure fails three dental hygiene live patient or hands-on simulation clinical examination attempts, the applicant must complete 40 hours of a clinical remediation course through a CODA-accredited dental hygiene program approved by Board staff [before approval will be issued to take another live patient or hands-on simulation clinical examination].

(2) If an applicant fails four or more dental hygiene live patient or hands-on simulation clinical examination attempts, the applicant must complete 150 hours of a clinical remediation course through a CODA-accredited dental hygiene program approved by Board staff [before approval will be issued to take another live patient or hands-on simulation clinical examination].

(3) All programs of clinical remediation require prior approval by [the] Board staff. Applicants will be responsible for locating, identifying and obtaining approval from [the] Board staff prior to registration for any program.

(4) Re-examination must be accomplished within 18 months of [following] the date [the] Board staff approves a remediation program for the applicant.

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

Filed with the Office of the Secretary of State on August 29, 2025.

TRD-202503122

Lauren Studdard

General Counsel

State Board of Dental Examiners

Earliest possible date of adoption: October 12, 2025

For further information, please call: (737) 363-2333



CHAPTER 108. PROFESSIONAL CONDUCT

SUBCHAPTER A. PROFESSIONAL RESPONSIBILITY

22 TAC §108.16

The State Board of Dental Examiners (Board) proposes this amendment to 22 TAC §108.16, pertaining to teledentistry. The proposed rule specifies the informed consent documentation that is required when licensees perform teledentistry dental services. The Board proposes this rule in accordance with House Bill 1700 of the 89th Texas Legislature, Regular Session (2025), and Chapter 111, Texas Occupations Code.

FISCAL NOTE: Casey Nichols, Executive Director, has determined that for the first five-year period the proposed rule is in effect, the proposed rule does not have foreseeable implications relating to cost or revenues of the state or local governments.

PUBLIC BENEFIT-COST NOTE: Casey Nichols has also determined that for the first five-year period the proposed rule is in effect, the public benefit anticipated as a result of this rule will be the protection of public safety and welfare.

LOCAL EMPLOYMENT IMPACT STATEMENT: Casey Nichols has also determined that the proposed rule does not affect local economies and employment.

SMALL AND MICRO-BUSINESS, RURAL COMMUNITY IMPACT STATEMENT: Casey Nichols has determined that no economic impact statement and regulatory flexibility analysis for small businesses, micro-businesses, and rural communities is necessary for this proposed rule.

GOVERNMENT GROWTH IMPACT STATEMENT: The Board has determined that for the first five-year period the proposed rule is in effect, the following government growth effects apply: (1) the proposed rule does not create or eliminate a government program; (2) implementation of the proposed rule does not require the creation or elimination of employee positions; (3) the implementation of the proposed rule does not require an increase or decrease in future appropriations; (4) the proposed rule does not require an increase in fees paid to the agency; (5) the proposed rule does not create a new regulation; (6) the proposed rule expands an existing regulation; (7) the proposed rule does not increase or decrease the number of individuals subject to it; and (8) the proposed rule does not positively or adversely affect the state's economy.

Comments on the proposed rule may be submitted to Casey Nichols, Executive Director, 1801 Congress Avenue, Suite 8.600, Austin, Texas 78701, by fax to (512) 649-2482, or by email to official_rules_comments@tsbde.texas.gov for 30 days following the date that the proposed rule is published in the *Texas Register*. To be considered for purposes of this rulemaking, comments must be: (1) postmarked or shipped by the last day of the comment period; or (2) faxed or e-mailed by midnight on the last day of the comment period.

This rule is proposed under Texas Occupations Code §254.001(a), which gives the Board authority to adopt rules necessary to perform its duties and ensure compliance with state laws relating to the practice of dentistry to protect the public health and safety.

This proposed rule implements Chapter 111, Texas Occupations Code.

§108.16. *Teledentistry.*

(a) **Purpose.** Pursuant to Texas Occupations Code Chapter 111, and Texas Occupations Code §254.001(a), the Board is authorized to adopt rules relating to the practice of dentistry, including teledentistry dental services. This section establishes the standards of practice for teledentistry.

(b) **Definition.** "Teledentistry dental service" is defined in Texas Occupations Code §111.001(2-a).

(c) **Prevention of Fraud and Abuse.** Dentists who utilize teledentistry dental services must adopt protocols to prevent fraud and abuse through the use of teledentistry dental services.

(d) **Complaints to the Board.** Dentists who utilize teledentistry dental services must provide notice of how patients may file a complaint with the Board. Content and method of the notice must contain the same information as set out in §108.3(a)(2)-(3) of this title (relating to Consumer Information).

(e) **Practice of Teledentistry.**

(1) A dentist, dental hygienist, or dental assistant who delivers teledentistry services to a patient located in Texas must hold an active Texas license or registration issued by the Board.

(2) A dental health professional providing a dental health care service or procedure as a teledentistry dental service:

(A) is subject to the same standard of care that would apply to the provision of the same dental health care service or procedure in an in-person setting as established in §108.7 of this title (relating to Minimum Standard of Care, General);

(B) must establish a practitioner-patient relationship; and

(C) must maintain complete and accurate dental records as set out in §108.8 of this title (relating to Records of the Dentist).

(3) A dentist may simultaneously delegate to and supervise through a teledentistry dental service not more than five health professionals who are not dentists.

(4) Adequate measures must be implemented to ensure that patient communications, recordings and records are protected consistent with federal and state privacy laws.

(5) Any individual may provide any photography or digital imaging to a Texas licensed dentist or Texas licensed dental hygienist for the sole and limited purpose of screening, assessment, or examination.

(f) Informed Consent. In addition to the informed consent requirements in §108.7 of this title, and §108.8 of this title, informed consent must include the following:

(1) the delegating dentist's name, Texas license number, credentials, qualifications, contact information, and practice location involved in the patient's care. Additionally, the name, Texas license number, credentials, and qualifications of all dental hygienists and dental assistants involved in the patient's care. This information must be publicly displayed and provided in writing to the patient; ~~and~~

(2) a dentist who delegates a teledentistry dental service must ensure that the informed consent of the patient includes disclosure to the patient that the dentist delegated the service; ~~and~~[-]

(3) a licensee must, to the extent possible:

(A) confirm the identity of the patient;

(B) verify and authenticate the patient's health history;

(C) obtain an informed consent from the patient after disclosures have been made regarding the delivery models and treatment methods and limitations, to include any special informed consents regarding the use of teledentistry dental services. At a minimum, the informed consent must inform the patient and document acknowledgment of the risk and limitations of:

(i) the use of electronic and digital communications in the provision of care;

(ii) the potential for breach of confidentiality, or inadvertent access, of protected health information using electronic and digital communication in the provision of care;

(iii) the potential disruption of electronic and digital communication in the use of teledentistry; and

(iv) the types of activities permitted using teledentistry dental services;

(D) inform the patient that it is the role of the licensee to determine whether the condition being diagnosed or treated is appropriate for a teledentistry encounter; and

(E) state the requirement for explicit patient consent to forward patient identifiable information to a third party.

(g) Issuance of Prescriptions.

(1) The validity of a prescription issued as a result of a teledentistry dental service is determined by the same standards that would apply to the issuance of the prescription in an in-person setting.

(2) This rule does not limit the professional judgment, discretion or decision-making authority of a licensed practitioner. A licensed practitioner is expected to meet the standard of care and demonstrate professional practice standards and judgment, consistent with all applicable statutes and rules when issuing, dispensing, delivering, or administering a prescription medication as a result of a teledentistry dental service.

(3) A valid prescription must be:

(A) issued for a legitimate dental purpose by a practitioner as part of patient-practitioner relationship as set out in Texas Occupations Code §111.005; and

(B) meet all other applicable laws and rules before prescribing, dispensing, delivering or administering a dangerous drug or controlled substance.

(4) Any prescription drug orders issued as the result of a teledentistry dental service, are subject to all regulations, limitations, and prohibitions set out in the federal and Texas Controlled Substances Act, Texas Dangerous Drug Act and any other applicable federal and state law.

(h) Limitation on Certain Prescriptions.

(1) In this subsection, the following definitions apply:

(A) "Controlled substance", "opiate", and "prescribe" have the meanings assigned by Texas Health and Safety Code §481.002.

(B) "National holiday" means a day described by Texas Government Code §662.003(a).

(2) When prescribing a controlled substance to a patient as a teledentistry dental service, a dentist must not prescribe more than is necessary to supply a patient for:

(A) if the prescription is for an opiate, a two-day period; or

(B) if the prescription is for a controlled substance other than an opiate, a five-day period.

(3) For each day in a period described by paragraph (2) of this subsection that is a Saturday, Sunday, or national holiday, the period is extended to include the next day that is not a Saturday, Sunday, or national holiday.

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

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

TRD-202503107

Lauren Studdard

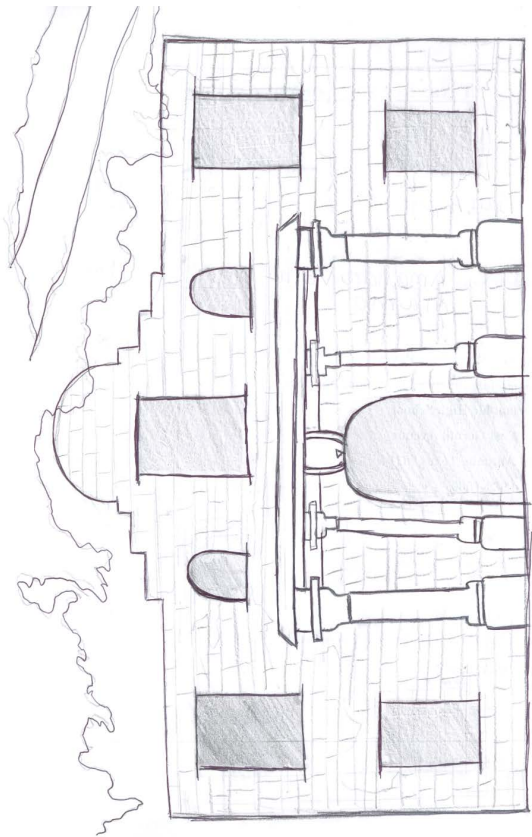
General Counsel

State Board of Dental Examiners

Earliest possible date of adoption: October 12, 2025

For further information, please call: (737) 363-2333

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WITHDRAWN RULES

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

TITLE 26. HEALTH AND HUMAN SERVICES

PART 1. HEALTH AND HUMAN SERVICES COMMISSION

CHAPTER 301. LOCAL AUTHORITY RESPONSIBILITIES

SUBCHAPTER G. COMMUNITY MENTAL HEALTH SERVICES STANDARDS

DIVISION 1. GENERAL PROVISIONS

26 TAC §301.305

The Texas Health and Human Services Commission withdraws the proposed repeal of §301.305 which appeared in the July 25, 2025, issue of the *Texas Register* (50 TexReg 4207).

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

TRD-202503095

Karen Ray

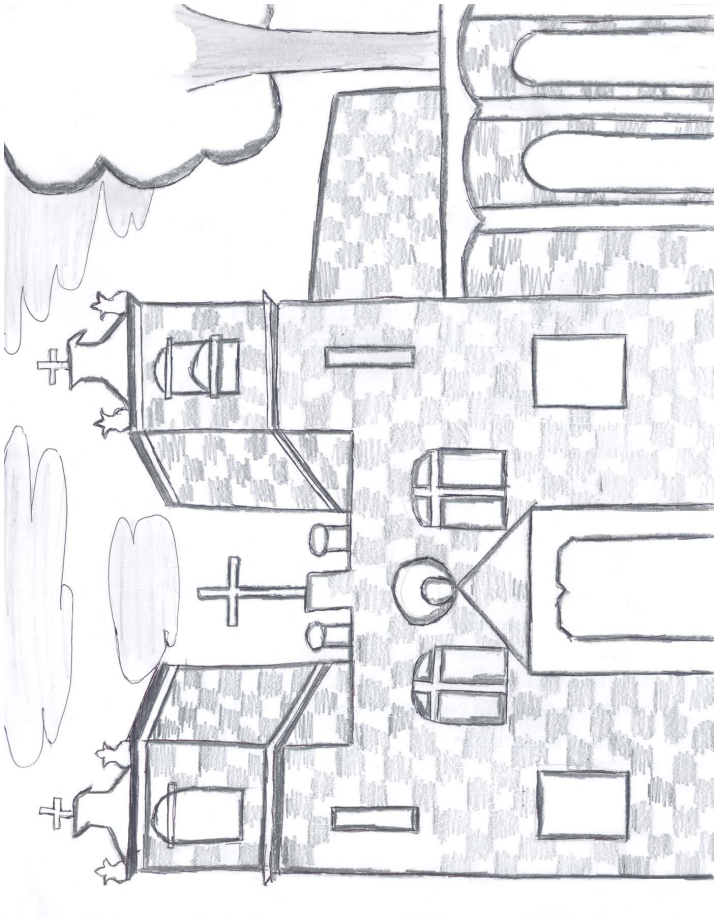
Chief Counsel

Health and Human Services Commission

Effective date: August 27, 2025

For further information, please call: (737) 704-9063





ADOPTED RULES

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

TITLE 4. AGRICULTURE

PART 2. TEXAS ANIMAL HEALTH COMMISSION

CHAPTER 32. HEARING AND APPEAL PROCEDURES

4 TAC §32.3

The Texas Animal Health Commission (Commission) in a duly noticed meeting on August 26, 2025, adopted amendments to Title 4, Part 2, Chapter 32 §32.3, concerning Appeal of Other Orders and Decisions in the Texas Administrative Code, Title 4, Part 2, Chapter 32, titled "Hearing and Appeal Procedures." The Commission adopted amendments to §32.3 without changes to the proposed text published in the June 6, 2025 issue of the *Texas Register* (50 TexReg 3301) and will not be republished.

JUSTIFICATION FOR RULE ACTION

Section 32.3 sets forth procedures for appeals of various orders and decisions of the Commission. The Commission adopts amendments to this section to remove language referencing appeals of orders and decisions concerning the CWD Herd Certification Program. A repeal of the CWD Herd Certification Program found in Chapter 40, concerning Chronic Wasting Disease, is filed concurrently with the adopted amendments to §32.3.

HOW THE RULES WILL FUNCTION

The amendment to §32.3 will eliminate references to the CWD Herd Certification Program and adjust numbering, and add "relating to" statements for clarification.

SUMMARY OF COMMENTS RECEIVED AND COMMISSION RESPONSE

The 30-day comment period ended July 7, 2025.

In addition to publishing the proposed rule changes in the June 6, 2025 issue of the *Texas Register*, the Commission also sent a copy of the proposed rule changes to all current participants of HCP via email to help ensure the participants were aware of the proposed rule changes.

During this period, the Commission received no comments regarding the changes to this rule.

STATUTORY AUTHORITY

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

Pursuant to §161.038 of the Texas Agriculture Code, titled "Administrative Procedure Act Applicable," the Commission is sub-

ject to the administrative procedure law set forth in Chapter 2001 of the Texas Government Code.

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

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

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

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 August 27, 2025.

TRD-202503110

Jeanine Coggeshall

General Counsel

Texas Animal Health Commission

Effective date: September 16, 2025

Proposal publication date: June 6, 2025

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



CHAPTER 40. CHRONIC WASTING DISEASE

The Texas Animal Health Commission (Commission) in a duly noticed meeting on August 26, 2025, adopted changes to Title 4, Texas Administrative Code, Chapter 40 titled "Chronic Wasting Disease." Specifically, the Commission adopted amendments to §§40.1, 40.2, 40.5, and 40.7; and the repeal of §40.3 and §40.6 without changes to the proposed text published in the June 6, 2025 issue of the *Texas Register* (50 TexReg 3303) and will not be republished.

JUSTIFICATION FOR RULE ACTION

Chronic Wasting Disease (CWD) is a degenerative and fatal neurological communicable disease recognized by the veterinary profession that affects susceptible cervid species. CWD can spread through natural movements of infected animals and transportation of live infected animals or carcass parts. Specifically, prions are shed from infected animals in saliva, urine, blood, soft-antler material, feces, or from animal decomposition, which ultimately contaminates the environment in which CWD susceptible species live. CWD has a long incubation period, so animals infected with CWD may not exhibit clinical signs of the disease for months or years after infection. The disease can be passed through contaminated environmental conditions and

may persist for a long period of time. Currently, no vaccine or treatment for CWD exists.

The CWD Herd Certification Program (HCP) is a voluntary, cooperative surveillance and certification program between the Commission, United States Department of Agriculture, herd owners, and other affected parties. Participating herds that meet program requirements and have no evidence of CWD advance in status each year for five years receive a certified status. Certified herd status permits interstate animal movement to some states. Participating in HCP is not required to keep CWD susceptible species captive in Texas or to buy, sell, or transfer animals within Texas.

The United States Department of Agriculture publishes Chronic Wasting Disease Program Standards ("federal standards") to clarify and update acceptable methods for complying with the legal requirements in Title 9 of the Code of Federal Regulations Parts 55 and 81.

Federal standards not only specify the minimum requirements for participants to achieve certified status but require participating states to maintain state-wide standards for CWD diagnostic testing, epidemiological traces, and herd plans that must be enforced against all CWD susceptible animals. To be an approved state, Texas is required to follow the requirements of the federal standards.

Because of Texas's participation in HCP, Commission regulations were adopted to meet the requirements of federal standards. Current rules require Commission staff to perform five-year epidemiological traces for every confirmed case of CWD in a captive herd. Under current rules, movement is restricted by a hold order or quarantine order during the epidemiological investigations of the trace until TAHC can determine the extent of the herd's exposure to CWD and how to limit additional spread. To remove the quarantine from a positive facility or clear an epidemiological trace, a herd must enter a herd plan that meets the requirements of federal standards and commonly involves depopulation followed by a five-year quarantine.

Participation in this program has decreased significantly. In 2021, approximately 375 herds were enrolled in the program. Presently, there are 69 enrolled herds in good standing.

The Commission received feedback from herd managers and owners that the requirements for CWD quarantines and herd plans are overly restrictive, negatively impact land values, and cause unrecoverable losses to business operations.

The Commission finds that the repeal of the program would allow the Commission to amend current rules to eliminate the burdens caused by HCP.

Along with the repeal of the HCP program, the Commission proposes amendments that will eliminate the requirement that Commission herd plans and epidemiological traces be set at a minimum of five years. The proposed rule amendments are designed to allow epidemiological staff to assess a herd on a case-by-case basis.

HOW THE RULES WILL FUNCTION

The amendments to §40.1 eliminate the definitions for APHIS, Certified Herd, Farmed or Captive Cervids, High-risk Area or County, and TAHC Authorized Veterinarian; modify the definitions for Commingled, Commingling, CWD-Exposed Animal, CWD-Suspect Herd, CWD-Trace Herd, Herd Plan, and Official

CWD Test; adjusts numbering; and make minor grammatical changes.

The amendments to §40.2, concerning General Requirements, change the procedures for issuing hold orders and quarantines, making hold orders and quarantines optional rather than mandatory. The amendments also remove references to USDA and eliminate the federal standards for disposition of CWD positive and trace herds.

The repeal of §40.3 will eliminate the rules regulating HCP.

The amendments to §40.5, concerning Surveillance and Movement Requirements for Exotic CWD Susceptible Species, reduces the surveillance testing requirement from 100% of mortalities to three valid tests each year.

The repeal of §40.6 will eliminate the established containment and surveillance zones and remove the regulations regarding movement restriction zones.

The amendments to §40.7, concerning Executive Director Declaration of CWD Movement Restriction Zone, update language for consistency within the rule.

SUMMARY OF COMMENTS RECEIVED AND COMMISSION RESPONSE

The 30-day comment period ended July 7, 2025.

In addition to publishing the proposed rule changes in the June 6, 2025 issue of the *Texas Register*, the Commission also sent a copy of the proposed rule changes to all current participants of HCP via email to help ensure the participants were aware of the proposed rule changes.

During this period, the Commission received ten comments: seven from individuals, one from a group of ranchers and landowners, one from the Texas Wildlife Association, and one from the National Deer Association. A summary of the comments relating to the rules and the Commission's response follows.

Comments:

Three individual commenters, the group of ranchers and landowners, and Texas Deer Association were supportive of elimination of HCP because it was ineffective but opposed the changes proposed to the rules regarding hold order and quarantines. These commenters were concerned that the proposed changes add ambiguity to the rules and will negatively impact Texas Parks and Wildlife Department's (TPWD) ability to place movement restrictions on native species.

One individual commenter opposed the proposed changes to the rules regarding hold orders, quarantines, and testing requirements. The commenter is in favor of requiring post-mortem testing of all susceptible cervids and continuing with severely limiting movement as the best practice of to stop the spread of CWD.

One individual commenter opposed the proposed changes completely and is in favor of maintaining containment zones, post-mortem testing of all susceptible cervids, continuing HCP, and maintaining the rule to require mandatory hold orders and quarantines. The individual also commented that weakening regulations will damage the state's hunting economy caused by deer farming.

One individual, who was a participant in HCP, opposed the rule because the commenter was concerned that the proposed changes would allow the Commission to enter their property

without permission, require more testing than what is required to move deer through TWIMS, and believed that the proposal is overreaching.

One individual commenter expressed concerns that CWD is a zoonotic disease, fears the amendments may cause unnecessary conflicts, and hopes that the decision to repeal is by unanimous vote.

The National Deer Association opposed the elimination of HCP program, was concerned over making hold order and quarantines optional, and supports 100% mortality testing for Exotics.

Response: The Commission thanks the commenters for the feedback.

The Commission disagrees with the commenters' concerns that the changes to rules regarding hold orders and quarantines will weaken Texas's response to CWD. The proposed changes give Commission veterinary epidemiologists needed discretion to use and adapt hold orders and quarantines to the characteristics of the herd and better align the rules regarding the Commission's CWD response with epidemiology principals for a disease control program.

The Commission also disagrees that these rule changes will impact TPWD's ability to place movement controls on native susceptible species under its jurisdiction. While TPWD restricts movement on facilities that have a Commission hold order or quarantine, TPWD has adopted rules that automatically restricts the movement of native deer from facilities that receive a suspect CWD test result and all deer on facilities with an epidemiologically link to the index deer. See 31 Texas Administrative Code §65.91(f). TPWD movement restrictions are not dependent on action from the Commission and TPWD has independent statutory and regulatory authority to control the movement of native cervid species.

The Commission disagrees that 100% mortality testing of exotic susceptible species should continue to be required. The changes to the mortality testing requirements are intended to reduce the burden of post-mortem testing on producers while still maintaining robust active surveillance in exotic species across the state. Commission staff compared the surveillance value from 100% mortality testing, the number of test results received, and the burden of testing, and determined that three valid tests a year would provide necessary surveillance data regarding the existence of CWD in exotic species in Texas.

The Commission disagrees with comments that opposed elimination of HCP. As previously discussed, the participation of the program has dropped significantly and a state's participation in the program requires the Commission to enforce federal standards against both participants in the program and non-participants. By withdrawing from the program, the Commission will be able to allow its veterinary and epidemiology staff to adapt its CWD response as needed.

No changes were made as a result of the comments.

4 TAC §§40.1, 40.2, 40.5, 40.7

STATUTORY AUTHORITY

The amendments within Chapter 40 of the Texas Administrative Code are adopted under the following statutory authority as found in Chapter 161 of the Texas Agriculture Code:

The Commission is vested by statute, §161.041(a), titled "Disease Control," to protect all livestock, exotic livestock, domes-

tic fowl, and exotic fowl from disease. The Commission is authorized, through §161.041(b), to act to eradicate or control any disease or agent of transmission for any disease that affects livestock, exotic livestock, domestic fowl, or exotic fowl, even if the agent of transmission is an animal species that is not subject to the jurisdiction of the Commission.

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

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

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

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

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

Pursuant to §161.049, titled "Dealer Records," the Commission may require a livestock, exotic livestock, domestic fowl, or exotic fowl dealer to maintain records of all livestock, exotic livestock, domestic fowl, or exotic fowl bought and sold by the dealer. The Commission may also inspect and copy the records of a livestock, exotic livestock, domestic fowl, or exotic fowl dealer that relate to the buying and selling of those animals. The Commission, by rule, shall adopt the form and content of the records maintained by a dealer.

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

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

Pursuant to §161.0545, titled "Movement of Animal Products," the Commission may adopt rules that require the certification of

persons who transport or dispose of inedible animal products, including carcasses, body parts, and waste material. The Commission, by rule, may provide terms and conditions for the issuance, renewal, and revocation of a certification under this section.

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

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

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

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

Pursuant to §161.061, titled "Establishment," if the Commission determines that a disease listed in §161.041 of this code or an agent of transmission of one of those diseases exists in a place in this state or among livestock, exotic livestock, domestic animals, domestic fowl, or exotic fowl, or a place in this state or livestock, exotic livestock, domestic animals, domestic fowl, or exotic fowl are exposed to one of those diseases or any agent of transmission of one of those diseases, the Commission shall establish a quarantine on the affected animals or on the affected place. The quarantine of an affected place may extend to any affected area, including a county, district, pasture, lot, ranch, farm, field, range, thoroughfare, building, stable, or stockyard pen. The Commission may, through §161.061(c), establish a quarantine to prohibit or regulate the movement of any article or animal the Commission designates to be a carrier of a disease listed in Section 161.041 or a potential carrier of one of those diseases, if movement is not otherwise regulated or prohibited for an animal into an affected area, including a county district, pasture, lot, ranch, field, range, thoroughfare, building, stable, or stockyard pen.

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

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

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

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

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

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

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Jeanine Coggeshall

General Counsel

Texas Animal Health Commission

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



4 TAC §40.3, §40.6

STATUTORY AUTHORITY

The repeals within Chapter 40 of the Texas Administrative Code are adopted under the following statutory authority as found in Chapter 161 of the Texas Agriculture Code:

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

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

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

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

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

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

Pursuant to §161.049, titled "Dealer Records," the Commission may require a livestock, exotic livestock, domestic fowl, or exotic fowl dealer to maintain records of all livestock, exotic livestock, domestic fowl, or exotic fowl bought and sold by the dealer. The Commission may also inspect and copy the records of a livestock, exotic livestock, domestic fowl, or exotic fowl dealer that relate to the buying and selling of those animals. The Commission, by rule, shall adopt the form and content of the records maintained by a dealer.

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

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

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

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

Pursuant to §161.057, titled "Classification of Areas," the Commission may prescribe criteria for classifying areas in the state

for disease control based on sound epidemiological principals and may prescribe control measures for classification areas.

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

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

Pursuant to §161.061, titled "Establishment," if the Commission determines that a disease listed in §161.041 of this code or an agent of transmission of one of those diseases exists in a place in this state or among livestock, exotic livestock, domestic animals, domestic fowl, or exotic fowl, or a place in this state or livestock, exotic livestock, domestic animals, domestic fowl, or exotic fowl are exposed to one of those diseases or any agent of transmission of one of those diseases, the Commission shall establish a quarantine on the affected animals or on the affected place. The quarantine of an affected place may extend to any affected area, including a county, district, pasture, lot, ranch, farm, field, range, thoroughfare, building, stable, or stockyard pen. The Commission may, through §161.061(c), establish a quarantine to prohibit or regulate the movement of any article or animal the Commission designates to be a carrier of a disease listed in Section 161.041 or a potential carrier of one of those diseases, if movement is not otherwise regulated or prohibited for an animal into an affected area, including a county district, pasture, lot, ranch, field, range, thoroughfare, building, stable, or stockyard pen.

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

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

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

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

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

The 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 51. ENTRY REQUIREMENTS

4 TAC §51.9, §51.10

The Texas Animal Health Commission (Commission) in a duly noticed meeting on August 26, 2025, adopted amendments to Title 4, Texas Administrative Code, Chapter 51 titled "Entry Requirements." Specifically, the Commission adopted amendments to §51.9 regarding Exotic Livestock and Fowl, and §51.10 regarding Cervidae without changes to the proposed text published in the June 6, 2025 issue of the *Texas Register* (50 TexReg 3311) and will not be republished.

JUSTIFICATION FOR RULE ACTION

The Commission is tasked with creating and enforcing entry requirements for livestock, fowl, exotic livestock, and exotic fowl. The Commission proposed amendments to the entry requirements governing ratites and exotic fowl moving from Association of Zoos and Aquariums (AZA) facilities.

The amendments to §51.9 clarify that one of three forms of accepted identification is needed for ratites entering Texas. The amendments also provide simplified requirements for exotic fowl, excluding ratites, moving between AZA accredited facilities. The amendments allow for movement to and from accredited facilities without testing for pullorum-typhoid and avian influenza and without entry permitting, provided there is no commingling. This amendment is made because the risk posed by these movements is low. The AZA has rigorous accreditation requirements, transfers between accredited facilities are closely tracked, accredited facilities operate in relatively closed environments, and animals in accredited facilities receive comprehensive care.

The amendments also update the language found in §51.10 concerning movement of cervids from AZA accredited facilities. The language previously referenced the "American Zoo and Aquarium Association (AZAA)." However, the organization has since changed their name. The amendments reflect the name change.

HOW THE RULES WILL FUNCTION

Section 51.9 includes entry requirements for exotic livestock and fowl. The amendments clarify the identification requirements for ratites entering Texas and create simplified requirements for exotic fowl (other than ratites) moving between AZA accredited facilities.

Section 51.10 includes entry requirements for Cervidae. The amendments update language to reflect the name change of the American Zoo and Aquarium Association to Association of Zoos and Aquariums.

SUMMARY OF COMMENTS RECEIVED AND COMMISSION RESPONSE

The 30-day comment period ended July 6, 2025.

During this period, the Commission received one comment in support of the rule. A summary of the comment and the Commission's response follows:

Comment: A veterinarian from Zoo Miami commented in support of the proposal stating previous AZA to AZA movement in Texas has been extremely challenging. The commenter noted that the amendments will simplify transfers of low-risk but high conservation value birds.

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

STATUTORY AUTHORITY

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

Pursuant to §161.041, titled "Disease Control," the Commission shall protect all livestock, exotic livestock, domestic fowl, and exotic fowl from diseases the commission determines require control or eradication. Pursuant to §161.041(b) the Commission may act to eradicate or control any disease or agent of transmission for any disease that affects livestock, exotic livestock, domestic fowl, or exotic fowl. The Commission may adopt any rules necessary to carry out the purposes of this subsection, including rules concerning testing, movement, inspection, and treatment.

Pursuant to §161.043, titled "Regulation of Exhibitions," the Commission may regulate the entry of livestock and may require certification of those animals as reasonably necessary to protect against communicable diseases.

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

Pursuant to §161.054, titled "Regulation of Movement of Animals; Exception," the Commission may by rule regulate the movement of animals, and may restrict the intrastate movement of animals even though the movement of the animals is unrestricted in interstate or international commerce. The Commission may require testing, vaccination, or another epidemiologically sound procedure before or after animals are moved.

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

Pursuant to §161.081, titled "Importation of Animals," the Commission by rule may provide the method for inspecting and testing animals before and after entry into Texas. The Commission may create rules for the issuance and form of health certificates and entry permits.

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

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

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

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Texas Animal Health Commission

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TITLE 26. HEALTH AND HUMAN SERVICES

PART 1. HEALTH AND HUMAN SERVICES COMMISSION

CHAPTER 259. COMMUNITY LIVING ASSISTANCE AND SUPPORT SERVICES (CLASS) PROGRAM AND COMMUNITY FIRST CHOICE (CFC) SERVICES

SUBCHAPTER B. ELIGIBILITY, ENROLLMENT, AND REVIEW

DIVISION 1. ELIGIBILITY AND MAINTENANCE OF THE CLASS INTEREST LIST

26 TAC §259.51

The executive commissioner of the Texas Health and Human Services Commission (HHSC) adopts an amendment to §259.51, concerning Eligibility Criteria for CLASS Program Services and CFC Services.

Section 259.51 is adopted with changes to the proposed text as published in the July 11, 2025, issue of the *Texas Register* (50 TexReg 3987). This rule will be republished.

BACKGROUND AND JUSTIFICATION

This amendment is necessary to increase the waiver cost limit for an individual's individual plan of care (IPC) in the Community Living Assistance and Support Services (CLASS) waiver program. The 2026-2027 General Appropriations Act, Senate Bill 1, 89th Texas Legislature, Regular Session, 2025 (Article II, HHSC

Rider 23) includes appropriations to increase the attendant wage for personal attendant services. This attendant wage increase impacts Medicaid personal attendant reimbursement rates.

As a result of this direction and prior reimbursement rate increases, the amendment increases the waiver cost limit for an individual's IPC in the CLASS waiver program to off-set the cost of higher personal attendant reimbursement rates. The increase allows the individual to continue to qualify for services in the CLASS waiver program without exceeding the cost limit for the IPC.

HHSC's amendments to the cost limit rules for an individual's IPC in the Deaf Blind with Multiple Disabilities and Texas Home Living Programs, and the cost limits in the Home and Community-based Services Program, are published in this same issue of the *Texas Register*.

COMMENTS

The 21-day comment period ended August 1, 2025.

During this period, HHSC received one comment regarding the proposed rule from one individual. A summary of the comment relating to the rule and HHSC's response follows.

Comment: The commentor supported the rule amendment and recommended that HHSC conduct a biennial review of the CLASS IPC cost limit.

Response: HHSC thanks the commentor for the commentor's support and recommendation to conduct a biennial review of the CLASS IPC cost limit. However, HHSC clarifies that biennial waiver cost limit reviews fall outside the scope of this rule project and are dependent on available levels of appropriated state and federal funds. HHSC did not revise the rule in response to this comment.

HHSC revised §259.51(a)(4) to add the new dollar amount of the IPC cost limit in the CLASS Program is \$149,774.00. This dollar amount, added to the rule for clarity, is based on the final September 1, 2025 reimbursement rates for the Intermediate Care Facilities for Individuals with an Intellectual Disability or Related Conditions Program.

STATUTORY AUTHORITY

The amendment is adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Human Resources Code §32.021, which provides HHSC with the authority to administer the federal medical assistance program in Texas and to adopt rules and standards for program administration.

§259.51. Eligibility Criteria for CLASS Program Services and CFC Services.

(a) An individual is eligible for CLASS Program services if:

(1) the individual meets the financial eligibility criteria described in Appendix B of the CLASS Program waiver application approved by CMS and available on the HHSC website;

(2) the individual is determined by HHSC to meet the LOC VIII criteria described in §261.239 of this title (relating to ICF/MR Level of Care VIII Criteria);

(3) the individual demonstrates a need for CFC PAS/HAB;

(4) the individual's IPC has an IPC cost for CLASS Program services at or below 210 percent of the annualized cost of care

in an ICF/IID using the unweighted average of the current non-state operated small facility daily rates for level of need, as defined by the ICF/IID program rules in §261.203 of this title (relating to Definitions), 1, 5, and 8 rounded to the nearest dollar, which as of September 1, 2025 is \$149,774;

(5) the individual is not enrolled in another waiver program or receiving a service that may not be received if the individual is enrolled in the CLASS Program, as identified in the Mutually Exclusive Services table in Appendix III of the Community Living Assistance and Support Services Provider Manual available on the HHSC website;

(6) the individual resides in the individual's own home or family home; and

(7) the individual requires the provision of:

(A) at least one CLASS Program service per month or a monthly monitoring by a case manager; and

(B) at least one CLASS Program service during an IPC period.

(b) Except as provided in subsection (c) of this section, an individual is eligible for a CFC service under this chapter if the individual:

(1) meets the criteria described in subsection (a) of this section;

(2) requires the provision of the CFC service; and

(3) is not receiving SFS or CFS.

(c) To be eligible for a CFC service under this chapter, an individual receiving MAO Medicaid must, in addition to meeting the eligibility criteria described in subsection (b) of this section, receive a CLASS Program service at least monthly, as required by 42 CFR §441.510(d).

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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Karen Ray

Chief Counsel

Health and Human Services Commission

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CHAPTER 260. DEAF BLIND WITH MULTIPLE DISABILITIES (DBMD) PROGRAM AND COMMUNITY FIRST CHOICE (CFC) SERVICES

SUBCHAPTER B. ELIGIBILITY, ENROLLMENT, AND REVIEW

DIVISION 1. ELIGIBILITY AND MAINTENANCE OF THE DBMD INTEREST LIST

26 TAC §260.51

The executive commissioner of the Texas Health and Human Services Commission (HHSC) adopts an amendment to §260.51, concerning Eligibility Criteria for DBMD Program Services and CFC Services.

Section 260.51 is adopted with changes to the proposed text as published in the July 11, 2025, issue of the *Texas Register* (50 TexReg 3988). This rule will be republished.

BACKGROUND AND JUSTIFICATION

This amendment is necessary to increase the waiver cost limit for an individual's individual plan of care (IPC) in the Deaf Blind with Multiple Disabilities (DBMD) waiver program. The 2026-2027 General Appropriations Act, Senate Bill 1, 89th Texas Legislature, Regular Session, 2025 (Article II, HHSC Rider 23) includes appropriations to increase the attendant wage for personal attendant services. This attendant wage increase impacts Medicaid personal attendant reimbursement rates.

As a result of this direction and prior reimbursement rate increases, the amendment increases the waiver cost limit for an individual's IPC in the DBMD waiver program to off-set the cost of higher personal attendant reimbursement rates. This increase allows the individual to continue to qualify for services in the DBMD waiver program without exceeding the cost limit for the IPC.

HHSC's amendments to the cost limit rules for an individual's IPC in the Community Living Assistance and Support Services and Texas Home Living Programs, and the cost limits in the Home and Community-based Services Program, are published in this same issue of the *Texas Register*.

COMMENTS

The 21-day comment period ended August 1, 2025.

During this period, HHSC received one comment regarding the proposed rule from one individual. A summary of the comment relating to the rule and HHSC's response follows.

Comment: The commentor supported the rule amendment and recommended that HHSC conduct a biennial review of the DBMD IPC cost limit.

Response: HHSC thanks the commentor for the commentor's support and recommendation to conduct a biennial review of the DBMD IPC cost limit. However, HHSC clarifies that biennial waiver cost limit reviews fall outside the scope of this rule project and are dependent on available levels of appropriated state and federal funds. HHSC did not revise the rule in response to this comment.

HHSC revised §260.51(a)(4) to add the new dollar amount of the IPC cost limit in the DBMD program which is \$149,774.00. The dollar amount, added to the rule for clarity, is based on the final September 1, 2025 reimbursement rates for the Intermediate Care Facilities for Individuals with an Intellectual Disability or Related Conditions Program.

STATUTORY AUTHORITY

The amendment is adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Human Resources Code §32.021, which provides HHSC with the authority to administer the federal medical assistance program in Texas and to adopt rules and standards for program administration.

§260.51. Eligibility Criteria for DBMD Program Services and CFC Services.

- (a) An individual is eligible for DBMD Program services if:
 - (1) the individual meets the financial eligibility criteria as described in Appendix B of the DBMD Program waiver application approved by CMS and available on the HHSC website;
 - (2) the individual is determined by HHSC to meet the LOC VIII criteria described in §261.239 of this title (relating to ICF/MR Level of Care VIII Criteria);
 - (3) the individual, as documented on the ID/RC Assessment:
 - (A) has one or more diagnosed related conditions and, as a result:
 - (i) has deafblindness;
 - (ii) has been determined to have a progressive medical condition that will result in deafblindness; or
 - (iii) functions as a person with deafblindness; and
 - (B) has one or more additional disabilities that result in impairment to independent functioning;
 - (4) the individual has an IPC with a cost for DBMD Program services at or below 210 percent of the annualized cost of care in an ICF/IID using the unweighted average of the current non-state operated small facility daily rates for level of need, as defined by the ICF/IID program rules in §261.203 of this title (relating to Definitions), 1, 5, and 8 rounded to the nearest dollar, which as of September 1, 2025 is \$149,774;
 - (5) the individual is not enrolled in another waiver program or receiving a service that may not be received if the individual is enrolled in the DBMD Program, as identified in the Mutually Exclusive Services table in Appendix V of the Deaf Blind with Multiple Disabilities Program Manual;
 - (6) the individual does not reside in:
 - (A) an ICF/IID;
 - (B) a nursing facility;
 - (C) an ALF, unless it provides licensed assisted living in the DBMD Program;
 - (D) a residential child-care facility unless it is an agency foster home;
 - (E) a hospital;
 - (F) a mental health facility;
 - (G) an inpatient chemical dependency treatment facility;
 - (H) a residential facility operated by the Texas Workforce Commission;
 - (I) a residential facility operated by the Texas Juvenile Justice Department;
 - (J) a jail; or
 - (K) a prison;
 - (7) at least one program provider is willing to provide DBMD Program services to the individual;
 - (8) the individual resides or moves to reside in a county served by a program provider; and

- (9) the individual requires the provision of:

- (A) at least one DBMD Program Service per month or a monthly monitoring by a case manager; and
 - (B) at least one DBMD Program Service during an IPC period.
- (b) Except as provided in subsection (c) of this section, an individual is eligible for a CFC service under this chapter if the individual:
 - (1) meets the criteria described in subsection (a) of this section;
 - (2) requires the provision of the CFC service; and
 - (3) is not receiving licensed assisted living or licensed home health assisted living.

(c) To be eligible for a CFC service under this chapter, an individual receiving MAO Medicaid must, in addition to meeting the eligibility criteria described in subsection (b) of this section, receive a DBMD Program service at least monthly, as required by 42 CFR §441.510(d).

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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Karen Ray

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CHAPTER 262. TEXAS HOME LIVING (TxHmL) PROGRAM AND COMMUNITY FIRST CHOICE (CFC) SUBCHAPTER B. ELIGIBILITY, ENROLLMENT, AND REVIEW

26 TAC §262.101

The executive commissioner of the Texas Health and Human Services Commission (HHSC) adopts an amendment to §262.101, concerning Eligibility Criteria for TxHmL Program Services and CFC Services.

Section 262.101 is adopted with changes to the proposed text as published in the July 11, 2025, issue of the *Texas Register* (50 TexReg 3990). This rule will be republished.

BACKGROUND AND JUSTIFICATION

This amendment is necessary to increase the waiver cost limit for an individual's individual plan of care (IPC) in the Texas Home Living (TxHmL) waiver program. The 2026-2027 General Appropriations Act, Senate Bill 1, 89th Texas Legislature, Regular Session, 2025 (Article II, HHSC Rider 23) includes appropriations to increase the attendant wage for personal attendant services. This attendant wage increase impacts Medicaid personal attendant reimbursement rates.

As a result of this direction and prior reimbursement rate increases, the amendment increases the waiver cost limit for an individual's IPC in the TxHmL waiver program to off-set the cost of higher personal attendant reimbursement rates. The increase allows the individual to continue to qualify for services in the TxHmL waiver program without exceeding the cost limit for the IPC.

HHSC's amendments to the cost limit rules for an individual's IPC in the Community Living Assistance and Support Services, Deaf Blind with Multiple Disabilities, and the cost limits in the Home and Community-based Services Program, are published in the same issue of the *Texas Register*.

COMMENTS

The 21-day comment period ended August 1, 2025.

During this period, HHSC received one comment regarding the proposed rule from one individual. A summary of the comment relating to the rule and HHSC's response follows.

Comment: The commentor supported the rule amendment and recommended that HHSC conduct a biennial review of the TxHmL IPC cost limit.

Response: HHSC thanks the commentor for the commentor's support and recommendation to conduct a biennial review of the TxHmL IPC cost limit. However, HHSC clarifies that biennial waiver cost limit reviews fall outside the scope of this rule project and are dependent on available levels of appropriated state and federal funds. HHSC did not revise the rule in response to this comment.

HHSC revised §262.101(a)(4) to add the new dollar amount of the IPC cost limit in the TxHmL Program, which is \$31,684. This dollar amount, added to the rule for clarity, is based on the final September 1, 2025 reimbursement rates for Intermediate Care Facilities for Individuals with an Intellectual Disability or Related Conditions. HHSC also revised this rule to correctly spell "non-state operated."

STATUTORY AUTHORITY

The amendment is adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Human Resources Code §32.021, which provides HHSC with the authority to administer the federal medical assistance program in Texas and to adopt rules and standards for program administration.

§262.101. Eligibility Criteria for TxHmL Program Services and CFC Services.

(a) An applicant or individual is eligible for TxHmL Program services if:

(1) the applicant or individual meets the financial eligibility criteria as described in Appendix B of the TxHmL waiver application approved by CMS and available on the HHSC website;

(2) the applicant or individual meets one of the following criteria:

(A) based on a DID and as determined by HHSC in accordance with §262.104 of this subchapter (relating to LOC Determination), the applicant or individual qualifies for an ICF/IID LOC I as defined in §261.238 of this title (relating to ICF/MR Level of Care I Criteria); or

(B) meets the following criteria:

(i) based on a DID and as determined by HHSC in accordance with §262.105 of this subchapter (relating to LON Assignment), qualifies for one of the following levels of care:

(I) an ICF/IID LOC I as defined in §261.238 of this title; or

(II) an ICF/IID LOC VIII as defined in §261.239 of this title (relating to ICF/MR Level of Care VIII Criteria);

(ii) meets one of the following:

(I) resides in a nursing facility immediately before enrolling in the TxHmL Program; or

(II) is at imminent risk of entering a nursing facility as determined by HHSC; and

(iii) is offered TxHmL Program services designated for a member of the reserved capacity group "Individuals with a level of care I or VIII residing in a nursing facility" included in Appendix B of the TxHmL Program waiver application approved by CMS and available on the HHSC website;

(3) the applicant or individual has been assigned an LON in accordance with §262.105 of this subchapter;

(4) the applicant or individual has an IPC cost that does not exceed 50 percent of the annualized cost of care in an ICF/IID using the current non-state operated small facility daily rate for LON 1, rounded to the nearest dollar, which as of September 1, 2025 is \$31,684;

(5) the applicant or individual is not enrolled in another waiver program and is not receiving a service that may not be received if the individual is enrolled in the TxHmL Program, as identified in the Mutually Exclusive Services table in Appendix I of the TxHmL Handbook available on the HHSC website;

(6) the applicant or individual has chosen, or the applicant's or individual's LAR has chosen, participation in the TxHmL Program over participation in the ICF/IID Program;

(7) the applicant's or individual's service planning team concurs that the TxHmL Program services and, if applicable, non-TxHmL Program services for which the applicant or individual may be eligible are sufficient to ensure the applicant's or individual's health and welfare in the community;

(8) the applicant or individual does not reside in:

(A) a hospital;

(B) an ICF/IID;

(C) a nursing facility;

(D) an assisted living facility licensed or subject to being licensed in accordance with THSC Chapter 247;

(E) a residential child care facility licensed by HHSC unless it is an agency foster home;

(F) an inpatient chemical dependency treatment facility;

(G) a mental health facility;

(H) a residential facility operated by the Texas Workforce Commission; or

(I) a residential facility operated by the Texas Juvenile Justice Department, a jail, or a prison; and

(9) the applicant or individual requires the provision of:

(A) at least one TxHmL Program service per month or a monthly monitoring visit by a service coordinator as described in §262.701(o) of this chapter (relating to LIDDA Requirements for Providing Service Coordination in the TxHmL Program); and

(B) at least one TxHmL Program service per IPC year.

(b) Except as provided in subsection (c) of this section, an applicant or individual is eligible for a CFC service under this subchapter if the applicant or individual:

(1) meets the criteria described in subsection (a) of this section; and

(2) requires the provision of the CFC service.

(c) To be eligible for a CFC service under this chapter, an applicant or individual receiving MAO Medicaid must, in addition to meeting the eligibility criteria described in subsection (b) of this section, receive a TxHmL Program service at least monthly, as required by 42 CFR §441.510(d), which may not be met by a monthly monitoring visit by a service coordinator as described in §262.701(o)(1) and (2) of this chapter.

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

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

TRD-202503118

Karen Ray

Chief Counsel

Health and Human Services Commission

Effective date: September 17, 2025

Proposal publication date: July 11, 2025

For further information, please call: (512) 438-2910



CHAPTER 263. HOME AND COMMUNITY-BASED SERVICES (HCS) PROGRAM AND COMMUNITY FIRST CHOICE (CFC)

SUBCHAPTER B. ELIGIBILITY, ENROLLMENT, AND REVIEW

26 TAC §236.101

The executive commissioner of the Texas Health and Human Services Commission (HHSC) adopts an amendment to §236.101, concerning Eligibility Criteria for HCS Program Services and CFC Services.

Section 263.101 is adopted with changes to the proposed text as published in the July 11, 2025, issue of the *Texas Register* (50 TexReg 3992). This rule will be republished.

BACKGROUND AND JUSTIFICATION

This amendment is necessary to increase the waiver cost limit for an individual's individual plan of care (IPC) in the Home and Community-based Services (HCS) waiver program. The 2026-2027 General Appropriations Act, Senate Bill 1, 89th Texas Legislature, Regular Session, 2025 (Article II, HHSC Rider 23) includes appropriations to increase the attendant wage for personal attendant services. This attendant wage increase impacts Medicaid personal attendant reimbursement rates.

As a result of this direction and prior reimbursement rate increases, the amendment increases the waiver cost limit for an individual's IPC in the HCS waiver program to off-set the cost of higher personal attendant reimbursement rates. The increase allows the individual to continue to qualify for services in the HCS waiver program without exceeding the cost limit for the IPC.

HHSC's amendments to the cost limit rules for an individual's IPC in the Community Living Assistance and Support Services, Deaf Blind with Multiple Disabilities, and Texas Home Living Programs, are published in this same issue of the *Texas Register*.

COMMENTS

The 21-day comment period ended August 1, 2025.

During this period, HHSC received one comment regarding the proposed rule from one individual. A summary of the comment relating to the rule and HHSC's response follows.

Comment: The commentor supported the rule amendment and recommended that HHSC conduct a biennial review of the HCS IPC cost limits.

Response: HHSC thanks the commentor for the commentor's support and recommendation to conduct a biennial review of the CLASS IPC cost limit. However, HHSC clarifies that biennial waiver cost limit reviews fall outside the scope of this rule project and are dependent on available levels of appropriated state and federal funds. HHSC did not revise the rule in response to this comment.

HHSC revised §263.101(a)(3)(A) - (C) to add the new dollar amounts of the IPC cost limits in the HCS Program, which are \$169,182, \$211,822, and \$392,318 respectively. These dollar amounts, added to the rules for clarity, are based on the final September 1, 2025 reimbursement rates for Intermediate Care Facilities for Individuals with an Intellectual Disability or Related Conditions. HHSC also revised these rules to correctly spell "non-state operated."

STATUTORY AUTHORITY

The amendment is adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Human Resources Code §32.021, which provides HHSC with the authority to administer the federal medical assistance program in Texas and to adopt rules and standards for program administration.

§263.101. Eligibility Criteria for HCS Program Services and CFC Services.

(a) An applicant or individual is eligible for HCS Program services if the applicant or individual:

(1) meets the financial eligibility criteria as described in Appendix B of the HCS Program waiver application approved by CMS and available on the HHSC website;

(2) meets one of the following criteria:

(A) based on a DID and as determined by HHSC in accordance with §263.105 of this subchapter (relating to LOC Determination), qualifies for an ICF/IID LOC I, as defined in §261.238 of this title (relating to ICF/MR Level of Care I Criteria);

(B) as determined by HHSC in accordance with §263.105 of this subchapter, qualifies for an ICF/IID LOC I as defined in §261.238 of this title or ICF/IID LOC VIII, as defined in §261.239

of this title (relating to ICF/MR Level of Care VIII Criteria), and has been determined by HHSC:

(i) to have an intellectual disability or a related condition;

(ii) to need specialized services; and

(iii) to be inappropriately placed in a Medicaid certified nursing facility based on an annual resident review conducted in accordance with the requirements of Chapter 303 of this title (relating to Preadmission Screening and Resident Review (PASRR)); or

(C) meets the following criteria:

(i) based on a DID and as determined by HHSC in accordance with §261.237 of this title (relating to Level of Care) qualifies for one of the following levels of care:

(I) an ICF/IID LOC I as defined in §261.238 of this title; or

(II) an ICF/IID LOC VIII as defined in §261.239 of this title;

(ii) meets one of the following:

(I) resides in a nursing facility immediately before enrolling in the HCS Program; or

(II) is at imminent risk of entering a nursing facility as determined by HHSC; and

(iii) is offered HCS Program services designated for a member of the reserved capacity group "Individuals with a level of care I or VIII residing in a nursing facility" included in Appendix B of the HCS Program waiver application approved by CMS and available on the HHSC website;

(3) has an IPC cost that does not exceed:

(A) 210 percent of the annualized cost of care in an ICF/IID using the current non-state operated small facility daily rate for LON 8, rounded to the nearest dollar for an applicant or individual with an LON 1, LON 5, or LON 8, which as of September 1, 2025, is \$169,182;

(B) 210 percent of the annualized cost of care in an ICF/IID using the current non-state operated small facility daily rate for LON 6, rounded to the nearest dollar for an applicant or individual with an LON 6, which as of September 1, 2025, is \$211,822; or

(C) 210 percent of the annualized cost of care in an ICF/IID using the current non-state operated small facility daily rate for LON 9, rounded to the nearest dollar for an applicant or individual with an LON 9, which as of September 1, 2025, is \$392,318;

(4) is not enrolled in another waiver program and is not receiving a service that may not be received if the individual is enrolled in the HCS Program as identified in the Mutually Exclusive Services table in Appendix II of the HCS Handbook available on the HHSC website;

(5) does not reside in:

(A) a hospital;

(B) an ICF/IID;

(C) a nursing facility;

(D) an ALF;

(E) a residential child care facility licensed by HHSC unless it is an agency foster home;

(F) an inpatient chemical dependency treatment facility;

(G) a mental health facility;

(H) a residential facility operated by the Texas Workforce Commission; or

(I) a residential facility operated by the Texas Juvenile Justice Department, a jail, or a prison; and

(6) requires the provision of:

(A) at least one HCS Program service per month or a monthly monitoring visit by a service coordinator as described in §263.901(e)(40) of this chapter (relating to LIDDA Requirements for Providing Service Coordination in the HCS Program); and

(B) at least one HCS Program service per IPC year.

(b) For applicants or individuals with spouses who live in the community, the income and resource eligibility requirements are determined according to the spousal impoverishment provisions in §1924 of the Social Security Act and as specified in the Medicaid State Plan.

(c) Except as provided in subsection (d) of this section, an applicant or individual is eligible for a CFC service under this chapter if the applicant or individual:

(1) meets the criteria described in subsection (a) of this section;

(2) requires the provision of the CFC service; and

(3) is not receiving host home/companion care, supervised living, or residential support.

(d) To be eligible for a CFC service under this chapter, an applicant or individual receiving MAO Medicaid must, in addition to meeting the eligibility criteria described in subsection (c) of this section, receive an HCS Program service at least monthly, as required by 42 CFR §441.510(d), which may not be met by a monthly monitoring visit by a service coordinator as described in §263.901(e)(40) of this chapter.

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

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

TRD-202503119

Karen Ray

Chief Counsel

Health and Human Services Commission

Effective date: September 17, 2025

Proposal publication date: July 11, 2025

For further information, please call: (512) 438-2910

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IN ADDITION

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

Office of Consumer Credit Commissioner

Notice of Rate Ceilings

The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in §§303.003, 303.005, 303.008, and 303.009, Texas Finance Code.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 09/08/25 - 09/14/25 is 18.00% for consumer¹ credit.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 09/08/25 - 09/14/25 is 18.00% for commercial² credit.

The monthly ceiling as prescribed by §303.005³ and §303.009 for the period of 09/01/25 - 09/30/25 is 18.00%.

The quarterly ceiling as prescribed by §303.003 and §303.009 for the period of 10/01/25 - 12/31/25 is 18.00% for consumer¹ credit.

The quarterly ceiling as prescribed by §303.003 and §303.009 for the period of 10/01/25 - 12/31/25 is 18.00% for commercial² credit.

The annualized ceiling as prescribed by §303.008 and §303.009⁴ for the period of 10/01/25 - 09/30/26 is 18.00% for consumer¹ credit.

The annualized ceiling as prescribed by §303.003 and §303.009⁴ for the period of 10/01/25 - 09/30/26 is 18.00% for commercial² credit.

¹ Credit for personal, family, or household use.

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

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

⁴ Only for open-end credit as defined in §301.002(14), as provided by §303.007.

TRD-202503150

Leslie L. Pettijohn

Commissioner

Office of Consumer Credit Commissioner

Filed: September 3, 2025

Texas Commission on Environmental Quality

Agreed Orders

The Texas Commission on Environmental Quality (TCEQ, agency, or commission) staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075 requires that before the commission may approve the AOs, the commission shall allow the public an opportunity to submit written comments on the proposed AOs. TWC, §7.075 requires that notice of the proposed orders and the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **October 13, 2025**. TWC, §7.075 also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that

indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A physical copy of each proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building C, 1st Floor, Austin, Texas 78753, (512) 239-2545 and at the applicable regional office listed as follows. Additionally, copies of the proposed AO can be found online by using either the Chief Clerk's eFiling System at <https://www.tceq.texas.gov/goto/efilings> or the TCEQ Commissioners' Integrated Database at <https://www.tceq.texas.gov/goto/cid>, and searching either of those databases with the proposed AO's identifying information, such as its docket number. Written comments about an AO should be sent to the enforcement coordinator designated for each AO at the commission's central office at Enforcement Division, MC 128, P.O. Box 13087, Austin, Texas 78711-3087 and must be postmarked by 5:00 p.m. on **October 13, 2025**. Written comments may also be sent to the enforcement coordinator by email to ENF-COMNT@tceq.texas.gov or by facsimile machine at (512) 239-2550. The commission enforcement coordinators are available to discuss the AOs and/or the comment procedure at the listed contact information; however, TWC, §7.075 provides that comments on the AOs shall be submitted to the commission in writing.

(1) COMPANY: City of Dayton; DOCKET NUMBER: 2024-1467-PWS-E; IDENTIFIER: RN101424950; LOCATION: Liberty County; TYPE OF FACILITY: public water supply; PENALTY: \$5,400; ENFORCEMENT COORDINATOR: KATHERINE ARGUETA, (512) 239-4131; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1486, REGION 12 - HOUSTON.

(2) COMPANY: JAMES LAKE MIDSTREAM LLC; DOCKET NUMBER: 2024-1513-AIR-E; IDENTIFIER: RN107088759; LOCATION: Goldsmith, Ector County; TYPE OF FACILITY: oil and gas production plant; PENALTY: \$13,125; ENFORCEMENT COORDINATOR: TRENTON WHITE, (903) 535-5155; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3756, REGION 05 - TYLER.

(3) COMPANY: Noble Energy, Inc.; DOCKET NUMBER: 2024-0531-AIR-E; IDENTIFIER: RN109477083; LOCATION: Pecos, Reeves County; TYPE OF FACILITY: oil and gas extraction site; PENALTY: \$2,813; ENFORCEMENT COORDINATOR: TRENTON WHITE, (903) 535-5155; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3756, REGION 05 - TYLER.

(4) COMPANY: North American Information Systems, Inc.; DOCKET NUMBER: 2023-1677-PST-E; IDENTIFIER: RN102243573; LOCATION: Duncanville, Dallas County; TYPE OF FACILITY: underground storage tank system; PENALTY: \$2,828; ENFORCEMENT COORDINATOR: RACHEL MURRAY, (903) 535-5149; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3756, REGION 05 - TYLER.

(5) COMPANY: Nutrien US LLC; DOCKET NUMBER: 2022-0389-WDW-E; IDENTIFIER: RN101865715; LOCATION: Borger, Hutchinson County; TYPE OF FACILITY: chemical manufacturing plant; PENALTY: \$69,000; ENFORCEMENT COORDINATOR: STEPHANIE MCCURLEY, (512) 239-2607; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(6) COMPANY: Patty M. Steed dba Canyon Dam Mobile Home Park; DOCKET NUMBER: 2023-1238-PWS-E; IDENTIFIER: RN102676681; LOCATION: Odessa, Ector County; TYPE OF FACILITY: public water supply; PENALTY: \$6,627; ENFORCEMENT COORDINATOR: RONICA RODRIGUEZ, (512) 239-2510; REGIONAL OFFICE: 6300 Ocean Drive, Suite 1200, Corpus Christi, Texas 78412-5503, REGION 14 - CORPUS CHRISTI.

(7) COMPANY: Perry Marker; DOCKET NUMBER: 2025-0624-WQ-E; IDENTIFIER: RN112112016; LOCATION: Ferris, Dallas County; TYPE OF FACILITY: excavation and construction site; PENALTY: \$7,125; ENFORCEMENT COORDINATOR: HARLEY HOBSON, (512) 239-1337; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(8) COMPANY: Pine Lake Water Supply Corporation; DOCKET NUMBER: 2025-0420-PWS-E; IDENTIFIER: RN101455236; LOCATION: Montgomery, Montgomery County; TYPE OF FACILITY: public water supply; PENALTY: \$50; ENFORCEMENT COORDINATOR: ILIA PEREZ RAMIREZ, (512) 239-2556; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1486, REGION 12 - HOUSTON.

(9) COMPANY: Prairie Flower, Ltd.; DOCKET NUMBER: 2024-1278-WQ-E; IDENTIFIER: RN111505665; LOCATION: Huntsville, Walker County; TYPE OF FACILITY: construction site; PENALTY: \$7,501; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$3,000; ENFORCEMENT COORDINATOR: MADISON TRAVIS, (512) 239-2545; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(10) COMPANY: Presidio Flats Apartments LLC; DOCKET NUMBER: 2023-0724-MWD-E; IDENTIFIER: RN111651881; LOCATION: San Antonio, Bexar County; TYPE OF FACILITY: apartment complex; PENALTY: \$10,125; ENFORCEMENT COORDINATOR: MISTIE GONZALES, (254) 761-3056; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, REGION 09 - WACO.

(11) COMPANY: ROBERT ANGONA; DOCKET NUMBER: 2025-0516-PWS-E; IDENTIFIER: RN110904000; LOCATION: Gardendale, Ector County; TYPE OF FACILITY: public water supply; PENALTY: \$900; ENFORCEMENT COORDINATOR: MASON DEMASI, (210) 657-8425; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(12) COMPANY: SP Utility Company, Inc.; DOCKET NUMBER: 2025-0723-PWS-E; IDENTIFIER: RN103779039; LOCATION: Rosharon, Brazoria County; TYPE OF FACILITY: public water supply; PENALTY: \$550; ENFORCEMENT COORDINATOR: RACHEL FREY, (512) 239-4330; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(13) COMPANY: San Jacinto County; DOCKET NUMBER: 2023-1511-MSW-E; IDENTIFIER: RN102616679; LOCATION: Coldspring, San Jacinto County; TYPE OF FACILITY: citizen collection station; PENALTY: \$8,050; ENFORCEMENT COORDINATOR: STEPHANIE MCCURLEY, (512) 239-2607; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(14) COMPANY: Scout Energy Management LLC; DOCKET NUMBER: 2024-0305-AIR-E; IDENTIFIER: RN102535796; LOCATION: Midland, Andrews County; TYPE OF FACILITY: natural gas compressor station; PENALTY: \$108,301; ENFORCEMENT COORDINATOR: JOHNNIE WU, (512) 239-2524; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(15) COMPANY: Stonetown Rocky Point, LLC; DOCKET NUMBER: 2023-0919-MWD-E; IDENTIFIER: RN101609972; LOCATION: Flower Mound, Denton County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: \$9,000; ENFORCEMENT COORDINATOR: SAMANTHA SMITH, (512) 239-2099; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1486, REGION 12 - HOUSTON.

(16) COMPANY: Swabi Enterprises, LLC; DOCKET NUMBER: 2025-0382-PST-E; IDENTIFIER: RN101763282; LOCATION: China, Jefferson County; TYPE OF FACILITY: underground storage tank system and a convenience store with retail sales of gasoline; PENALTY: \$9,243; ENFORCEMENT COORDINATOR: EUNICE ADEGELU, (512) 239-5082; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1486, REGION 12 - HOUSTON.

(17) COMPANY: Tomas Tellez; DOCKET NUMBER: 2025-0051-MSW-E; IDENTIFIER: RN111369922; LOCATION: San Angelo, Tom Green County; TYPE OF FACILITY: unauthorized municipal solid waste disposal site; PENALTY: \$2,438; ENFORCEMENT COORDINATOR: CELICIA GARZA, (210) 657-8422; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(18) COMPANY: WS CAMPUS HOLDINGS, LLC; DOCKET NUMBER: 2024-1217-MLM-E; IDENTIFIER: RN111359683; LOCATION: Florence, Williamson County; TYPE OF FACILITY: construction site and pond; PENALTY: \$85,200; ENFORCEMENT COORDINATOR: JASMINE JIMERSON, (512) 239-2552; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(19) COMPANY: Weatheread Excavation, LLC; DOCKET NUMBER: 2025-0091-WQ-E; IDENTIFIER: RN111397279; LOCATION: Henderson, Henderson County; TYPE OF FACILITY: aggregate production operation; PENALTY: \$6,875; ENFORCEMENT COORDINATOR: MONICA LARINA, (512) 239-2545; REGIONAL OFFICE: 6300 Ocean Drive, Suite 1200, Corpus Christi, Texas 78412-5503, REGION 14 - CORPUS CHRISTI.

(20) COMPANY: Westpark Properties, LLC; DOCKET NUMBER: 2025-0496-PWS-E; IDENTIFIER: RN110518289; LOCATION: Weatherford, Parker County; TYPE OF FACILITY: public water supply; PENALTY: \$62; ENFORCEMENT COORDINATOR: TANER HENGST, (512) 239-1143; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

TRD-202503128

Gitanjali Yadav

Deputy Director, Litigation Division

Texas Commission on Environmental Quality

Filed: September 2, 2025



Notice of District Petition - D-06202025-046

Notice issued August 28, 2025

TCEQ Internal Control No. D-06202025-046: Pleak 54 Holdings, LLC, a Texas limited liability company (Petitioner) filed a petition for

creation of Fort Bend County Municipal Utility District No. 292 (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, §59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioner holds title to a majority in value of the land to be included in the proposed District; (2) there are two lienholders on the property to be included in the proposed District; Capital Farm Credit and Texas Regional Bank, and the lienholders consent to the creation of the proposed District; (3) the proposed District will contain approximately 98.81 acres located within Fort Bend County, Texas; and (4) none of the land within the proposed District is within the corporate limits or extraterritorial jurisdiction of any city, town or village. The petition further states that the proposed District will: (1) purchase, construct, acquire, maintain, own, operate, repair, improve, and extend a waterworks and sanitary sewer system for residential and commercial purposes; (2) construct, acquire, improve, extend, maintain, and operate works, improvements, facilities, plants, equipment, and appliances helpful or necessary to provide more adequate drainage for the proposed District; (3) control, abate, and amend local storm waters or other harmful excesses of water; and (4) purchase, construct, acquire, improve, maintain, and operate such additional facilities, systems, plants, and enterprises, road facilities, and park and recreational facilities as shall be consistent with all of the purposes for which the proposed District is created. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioner that the cost of said project will be approximately \$31,600,000 (\$23,700,000 for water, wastewater, and drainage plus \$900,000 for recreation plus \$7,000,000 for roads).

INFORMATION SECTION

To view the complete issued notice, view the notice on our website at www.tceq.texas.gov/agency/cc/pub_notice.html or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the website, type in the issued date range shown at the top of this document to obtain search results. The TCEQ may grant a contested case hearing on the petition if a written hearing request is filed within 30 days after the newspaper publication of the notice. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below. The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court. Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Review Team, at (512) 239-4691. Si desea información en es-

pañol, puede llamar al (512) 239-0200. General information regarding TCEQ can be found at our website at www.tceq.texas.gov

TRD-202503146

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: September 3, 2025



Notice of District Petition - D-06242025-051

Notice issued August 28, 2025

TCEQ Internal Control No. D-06242025-051: Knox Street Partners No. 31, LTD., a Texas limited partnership, (Petitioner) filed a petition for creation of Somerset Village Municipal Management District of Ellis County (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, Section 59 of the Constitution of the State of Texas; Chapter 375, Texas Local Government Code; Chapter 49 of the Texas Water Code; Title 30, Chapter 293 of the Texas Administrative Code; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioner holds title to a majority in value of the land to be included in the proposed District; (2) there are lienholders on the property to be included in the proposed District there is one lienholder, Benchmark Bank, on the property to be included in the proposed District and the lienholder consents to the creation of the proposed District; (3) the proposed District will contain approximately 70.897 acres located within Ellis County, Texas; and (4) all of the land within the proposed District is wholly within the corporate limits of the City of Mansfield, Texas. By Resolution No.RE-4271-24, adopted on October 28, 2024, the city of Mansfield, Texas, gave its consent to the creation of the proposed District, pursuant to Texas Water Code §54.016. The petition further states that the proposed District will: (1) purchase, design, construct, acquire, maintain, own, operate, repair, improve and extend a waterworks and wastewater system for residential and commercial purposes; (2) construct, acquire, improve, extend, maintain, and operate works, improvements, facilities, plants, equipment, and appliances helpful or necessary to provide more adequate drainage for the proposed District; (3) control, abate, and amend local storm waters or other harmful excesses of water; and (4) purchase, construct, acquire, improve, maintain, own, operate, repair, improve and extend of such additional facilities, roads, systems, plants, and enterprises, as shall be consistent with all of the purposes for which the proposed District is created. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioners that the cost of said project will be approximately \$14,305,000.00 (\$7,445,000.00 for water, wastewater, and drainage and \$6,860,000.00 for roads).

INFORMATION SECTION

To view the complete issued notice, view the notice on our website at www.tceq.texas.gov/agency/cc/pub_notice.html or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the website, type in the issued date range shown at the top of this document to obtain search results. The TCEQ may grant a contested case hearing on the petition if a written hearing request is filed within 30 days after the newspaper publication of the notice. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property rel-

ative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below. The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court. Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Review Team, at (512) 239-4691. Si desea información en español, puede llamar al (512) 239-0200. General information regarding TCEQ can be found at our website at www.tceq.texas.gov.

TRD-202503147

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: September 3, 2025



Notice of District Petition - D-08082025-026

Notice issued August 28, 2025

TCEQ Internal Control No. D-08082025-026: Caelum Capital, LLC, (Petitioner) filed a petition for creation of Ensenadas Municipal Utility District of Travis County (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, Section 59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioner holds title to a majority in value of the land to be included in the proposed District; (2) there is one lienholder, Syco-Franklin, LLC, on the property to be included in the proposed District and the lienholder consents to the creation of the proposed District; (3) the proposed District will contain approximately 75.214 acres located within Travis County, Texas; and (4) none of the land within the proposed District is within the corporate limits or extraterritorial jurisdiction of any city. The petition further states that the proposed District will: (1) purchase, construct, acquire, own, extend, improve, maintain, operate, and repair a waterworks system, including the purchase and sale of water, for domestic, and commercial purposes; (2) purchase, construct, acquire, own, extend, improve, maintain, operate, and repair a sanitary wastewater collection, treatment, and disposal system, for domestic and commercial purposes; (3) purchase, construct, install, maintain, and operate drainage and roadway facilities and improvements; and, (4) construct, install, maintain, purchase, and operate facilities, systems, plants, and enterprises such additional facilities as shall be consistent with the purposes for which the proposed District is created and organized. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioners that the cost of said project will be approximately \$17,870,000 (\$13,110,000 for water, wastewater, and drainage plus \$3,670,000 for roads plus \$1,090,000 for recreation).

INFORMATION SECTION

To view the complete issued notice, view the notice on our website at www.tceq.texas.gov/agency/cc/pub_notice.html or call the Office of

the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the website, type in the issued date range shown at the top of this document to obtain search results. The TCEQ may grant a contested case hearing on the petition if a written hearing request is filed within 30 days after the newspaper publication of the notice. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below. The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court. Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Review Team, at (512) 239-4691. Si desea información en español, puede llamar al (512) 239-0200. General information regarding TCEQ can be found at our website at www.tceq.texas.gov.

TRD-202503145

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: September 3, 2025



Notice of District Petition - D-08122025-034

Notice issued August 29, 2025

TCEQ Internal Control No. D-08122025-034: Clear Creek Reserve LLC, (Petitioner) filed a petition for creation of Waller County Municipal Utility District No. 67 (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, §59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioner holds title to a majority in value of the land to be included in the proposed District; (2) there are two lienholders, Mac's Property Ventures LLC and JAK Greenleaf Development LLC, on the property to be included in the proposed District and the lienholders consent to the creation of the proposed District; (3) the proposed District will contain approximately 172.86 acres located within Waller County, Texas; and (4) none of the land within the proposed District is within the corporate limits or extraterritorial jurisdiction of any city. The petition further states that the proposed District will: (1) purchase, construct, acquire, maintain, own, operate, repair, improve and extend a waterworks and sanitary sewer system for residential and commercial purposes; (2) construct, acquire, improve, extend, maintain and operate works, improvements, facilities, plants, equipment and appliances helpful or necessary to provide more adequate drainage for the District; (3) control, abate, and amend local storm waters or other harm-

ful excesses of water; and (4) purchase, construct, acquire, improve, maintain and operate such additional facilities, systems, plants and enterprises, road facilities, and park and recreational facilities, as shall be consistent with all of the purposes for which the District is created. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioner that the cost of said project will be approximately \$45,400,000 (\$33,500,000 for water, wastewater, and drainage plus \$3,150,000 for recreation plus \$8,750,000 for roads).

INFORMATION SECTION

To view the complete issued notice, view the notice on our website at www.tceq.texas.gov/agency/cc/pub_notice.html or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the website, type in the issued date range shown at the top of this document to obtain search results. The TCEQ may grant a contested case hearing on the petition if a written hearing request is filed within 30 days after the newspaper publication of the notice. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below. The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court. Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Review Team, at (512) 239-4691. Si desea información en español, puede llamar al (512) 239-0200. General information regarding TCEQ can be found at our website at www.tceq.texas.gov.

TRD-202503149

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: September 3, 2025



Notice of District Petition - D-08132025-022

Notice issued August 28, 2025

TCEQ Internal Control No. D-08132025-022: Forney Development, LLC (Petitioner) filed a petition for creation of Willow Ranch Municipal Utility District No. 1 of Kaufman County (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, Section 59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioner holds title to a majority of the assessed value of the real property to be included in the proposed Dis-

trict; (2) there are no lienholders on the property to be included in the proposed District; (3) the proposed District will contain approximately 140.125 acres located within Kaufman County, Texas; and (4) all of the land within the proposed District is wholly within the extraterritorial jurisdiction of the City of Dallas, Texas. By Resolution No. 25-0283, dated on February 12, 2025, and subsequently corrected Resolution No. 25-0637, dated April 23, 2025, the City of Dallas, Texas, gave its consent to the creation of the proposed District, pursuant to Texas Water Code 54.016(a). The petition further states that the proposed District will: (1) purchase, construct, acquire, improve, or extend inside or outside of its boundaries any and all works, improvements, facilities, plants, equipment, and appliances necessary or helpful to supply and distribute water for municipal, domestic, and commercial purposes; (2) collect, transport, process, dispose of and control domestic and commercial wastes; (3) gather, conduct, divert, abate, amend and control local storm water or other local harmful excesses of water in the proposed District; (4) design, acquire, construct, finance, improve, operate, and maintain macadamized, graveled, or paved roads and turnpikes, or improvement in aid of those roads; and, (5) purchase, construct, acquire, improve, or extend inside or outside of its boundaries such additional facilities, systems, plants, and enterprises as shall be consonant with the purposes for which the proposed District is created. It is further proposed that the proposed District be granted road powers pursuant to Texas Water Code, Section 54.234. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioners that the cost of said project will be approximately \$18,305,000 (\$13,490,000 for water, wastewater, and drainage plus \$4,815,000 for roads).

INFORMATION SECTION

To view the complete issued notice, view the notice on our website at www.tceq.texas.gov/agency/cc/pub_notice.html or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the website, type in the issued date range shown at the top of this document to obtain search results. The TCEQ may grant a contested case hearing on the petition if a written hearing request is filed within 30 days after the newspaper publication of the notice. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below. The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court. Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Review Team, at (512) 239-4691. Si desea información en español, puede llamar al (512) 239-0200. General information regarding TCEQ can be found at our website at www.tceq.texas.gov.

TRD-202503148

Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: September 3, 2025



Notice of Hearing: JC Water Resource Recovery Facility, LLC; SOAH Docket No. 582-25-26277; TCEQ Docket No. 2025-0699-MWD; TPDES Permit No. WQ0016386001

JC Water Resource Recovery Facility, LLC, 525 South Loop 288, Suite 105, Denton, Texas 76205, has applied to the Texas Commission on Environmental Quality (TCEQ) for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016386001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 108,000 gallons per day.

The facility will be located approximately 0.25 miles east of the intersection of U.S. Highway 67 and County Road 1226, near the city of Cleburne, in Johnson County, Texas 76033. The treated effluent will be discharged to an unnamed tributary, thence to Robinson Branch, thence to Lake Pat Cleburne in Segment No. 1228 of the Brazos River Basin. The unclassified receiving water use is limited aquatic life use for the unnamed tributary and Robinson Branch. The designated uses for Segment No. 1228 are primary contact recreation, public water supply, and high aquatic life use. In accordance with 30 TAC §307.5 and the TCEQ's *Procedures to Implement the Texas Surface Water Quality Standards* (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. This review has preliminarily determined that no water bodies with exceptional, high, or intermediate aquatic life uses are present within the stream reach assessed; therefore, no Tier 2 degradation determination is required. No significant degradation of water quality is expected in water bodies with exceptional, high, or intermediate aquatic life uses downstream, and existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received. This link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice. For the exact location, refer to the application. <https://gisweb.tceq.texas.gov/LocationMapper/?marker=-97.510833,32.3125&level=18>

The TCEQ Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at Cleburne Public Library, 302 West Henderson Street, Cleburne, Texas.

CONTESTED CASE HEARING.

The State Office of Administrative Hearings (SOAH) will conduct a preliminary hearing via Zoom videoconference. A Zoom meeting is a secure, free meeting held over the internet that allows video, audio, or audio/video conferencing.

10:00 a.m.- October 14, 2025

To join the Zoom meeting via computer:

<https://soah-texas.zoomgov.com/>

Meeting ID: 161 372 5129

Password: RES277

or

To join the Zoom meeting via telephone:

(669) 254-5252 or (646) 828-7666

Meeting ID: 161 372 5129

Password: 152312

Visit the SOAH website for registration at: <http://www.soah.texas.gov/>

or call SOAH at (512) 475-4993.

The purpose of a preliminary hearing is to establish jurisdiction, name the parties, establish a procedural schedule for the remainder of the proceeding, and to address other matters as determined by the judge. The evidentiary hearing phase of the proceeding, which will occur at a later date, will be similar to a civil trial in state district court. The hearing will address the disputed issues of fact identified in the TCEQ order concerning this application issued on July 29, 2025. In addition to these issues, the judge may consider additional issues if certain factors are met.

The hearing will be conducted in accordance with Chapter 2001, Texas Government Code; Chapter 26, Texas Water Code; and the procedural rules of the TCEQ and SOAH, including 30 TAC Chapter 80 and 1 TAC Chapter 155. The hearing will be held unless all timely hearing requests have been withdrawn or denied.

To request to be a party, you must attend the hearing and show you would be adversely affected by the application in a way not common to members of the general public. Any person may attend the hearing and request to be a party. Only persons named as parties may participate at the hearing.

In accordance with 1 Texas Administrative Code §155.401(a), Notice of Hearing, "Parties that are not represented by an attorney may obtain information regarding contested case hearings on the public website of the State Office of Administrative Hearings at www.soah.texas.gov, or in printed format upon request to SOAH."

INFORMATION.

If you need more information about the hearing process for this application, please call the Public Education Program, toll free, at (800) 687-4040. General information about the TCEQ can be found at our website at www.tceq.texas.gov.

Further information may also be obtained from JC Water Resource Recovery Facility, LLC at the address stated above or by calling Mr. Jason Tuberville, General Partner, Orison Holdings, at (940) 305-3533.

Persons with disabilities who need special accommodations at the hearing should call the SOAH Docketing Department at (512) 475-4993, at least one week prior to the hearing.

Issued: August 29, 2025

TRD-202503151

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: September 3, 2025



Texas Ethics Commission

List of Delinquent Filers

LIST OF LATE FILERS

Below is a list from the Texas Ethics Commission naming the filers who failed to pay the penalty fine for failure to file the report, or filing a late report, in reference to the specified filing deadline. If you have any questions, you may contact Dave Guilianelli at (512) 463-5800.

Deadline: Semiannual Report due January 17, 2023

#00086215 – Allenna Bangs, P.O. Box 1363, Colleyville, Texas 76034

Deadline: Personal Financial Statement due February 12, 2024

#00088147 – Rosalind Caesar, P.O. Box 683163, Houston, Texas 77268

Deadline: Personal Financial Statement due April 30, 2024

#00080494 – Jeanette L. Sterner, 312 Oxbow Cv., Holly Lake Ranch, Texas 75765

#00087018 – Matthew Watts, 13361 Karah Ln, Lindale, Texas 75771

Deadline: Runoff Report due May 20, 2024

#00088039 – Vincent Perez, 649 Londonderry Rd., El Paso, Texas 79907

Deadline: 30 day pre-election Report due October 10, 2024

#00087374 – Jared R. Scruggs, 18710 Winding Atwood Ln, Tomball, Texas 77377

#00088451 – George C. Manders Jr., 3121 Wyandot St. #304, Denver, Colorado 80211

Deadline: Lobby Activities Report due November 12, 2024

#00088451 – George C. Manders Jr., 3121 Wyandot St. #304, Denver, Colorado 80211

Deadline: Semiannual Report due January 15, 2025

#00086257 – Daniel K. Mathews, 4419 Ludwig Ln, Stafford, Texas 77477

#00087330 – Adriana Flores-Villarreal, 221 Salinas Dr., Sullivan City, Texas 78595

#00087854 – Denise Villalobos, 10330 Kingsbury Dr., Corpus Christi, Texas 78410

#00083892 – Gabriela Garcia, 44 East Dr., Brownsville, Texas 78520

#00088312 – Rene C. Benavides, 6010 McPherson Rd., Ste. 150, Laredo, Texas 78041

#00088365 – Monica M. Morgan, 2760 County Road 94 #8102, Pearland, Texas 77584

#00065572 – Glenn H. Devlin, 435 Carpenter Dr., Canyon lake, Texas 78133

Deadline: Lobby Activities Report due April 10, 2025

#00020257 – Eduardo A. Lucio Jr., P.O. Box 5958, Brownsville, Texas 78523

#00068846 – Drew Lawson, 6102 Diamond Head Dr., Austin, Texas 78746

#00087261 – Granite Dome Solutions, LLC, 112 Mountain Laurel Way, Bastrop, Texas 78602

Deadline: Personal Financial Statement due April 30, 2025

#00067672 – Joe Edd Boaz, 13343 FM 2746, Anson, Texas 79501

#00082318 – Carl Sherman Sr., 1215 Forestbrook Dr., DeSoto, Texas 75115

#00087122 – Scott R. Muri, 19527 Quinlan St., Orlando, Florida 32833

#00087348 – Laura M. Enriquez, 869 Forest Willow, El Paso, Texas 79922

Deadline: Lobby Activities Report due May 12, 2025

#00086841 – Matthew Abel, 919 Congress, Ste. 1145, Austin, Texas 78701

TRD-202503130

James Tinley

Executive Director

Texas Ethics Commission

Filed: September 2, 2025



List of Delinquent Filers

LIST OF LATE FILERS

Below is a list from the Texas Ethics Commission naming the filers who failed to pay the penalty fine for failure to file the report, or filing a late report, in reference to the specified filing deadline. If you have any questions, you may contact Dave Guilianelli at (512) 463-5800.

Deadline: 8 day pre-election Report due February 24, 2020 for Committees

#00055453 – Fort Bend Employee Federation Committee on Political Education, Glenda Macal, 12621 W. Airport Blvd., Ste. 400, Sugar Land, Texas 77478

Deadline: Semiannual Report due January 16, 2024 for Committees

#00055995 – Cameron County Democratic Party Executive Committee (CEC), Denise G. Chavez, 7248 Mulberry St., Brownsville, Texas 78520

Deadline: 30 day pre-election Report due April 4, 2024 for Committees

#00067651 – Conroe Professional Firefighters Association - PAC, Robert Woolery, 4541 Duval Ln., Cleveland, Texas 77328

Deadline: 8 day pre-election Report due April 26, 2024 for Committees

#00088659 – Vote YES Hempstead, Eric Jimenez, 1721 5th St., Hempstead, Texas 77445

Deadline: Semiannual Report due July 15, 2024 for Committees

#00088454 – Texans for Law & Order PAC, Daniel Denham, P.O. Box 821972, North Richland Hills, Texas 76180

#00088713 – Parents, Business Owners & Community Members for Responsible Spending, Joe Carter, 4657 Business 181 North, Ste. C-1, Beeville, Texas 78102

Deadline: 8 day pre-election Report due October 28, 2024 for Committees

#00055995 – Cameron County Democratic Party Executive Committee (CEC), Denise G. Chavez, 7248 Mulberry St., Brownsville, Texas 78520

#00089534 – Save Our Schools PAC, Sanobia Tapia, 15269 Edgeview Rd. #2103, Fort Worth, Texas 76177

Deadline: Semiannual Report due January 15, 2025 for Committees

#00086775 – True Texas Elections Political Action Committee, Laura Pressley, Ph.D, 101 Oak Street #311, Copperas Cove, Texas 76522

#00088713 – Parents, Business Owners & Community Members for Responsible Spending, Joe Carter, 4657 Business 181 North, Suite C-1, Beeville, Texas 78102

#00089534 – Save Our Schools PAC, Sanobia Tapia, 15269 Edgeview Rd. #2103, Fort Worth, Texas 76177

TRD-202503131

James Tinley

Executive Director

Texas Ethics Commission

Filed: September 2, 2025

General Land Office

Coastal Boundary Survey; Mad Island - Miguel Escobar, Matagorda County, Project Number: CEPRA #1764

Surveying Services

Coastal Boundary Survey

Project: Mad Island - Miguel Escobar, Matagorda

Project No: Project Number: CEPRA #1764

Project Manager: Kristin Hames, Coastal Resources.

Surveyor: Miguel A. Escobar, Licensed State Land Surveyor

Description: Coastal Boundary Survey dated April 8, 2025, delineating the littoral boundary along the Gulf Intracoastal Water Way, in the S.R. Fisher Survey, Abstract 36, a survey which was Titled on October 29, 1832, adjacent to the State Submerged Tracts 1, 23, 24, and 25 East Matagorda Bay, and State Submerged Tract 272, Matagorda Bay, Matagorda County, Texas. in connection with CEPRA No. 1764. Centroid coordinates 28.649973°, -96.061097°, WGS84. A copy of the survey recorded in Document No. 3227, Official Records of Matagorda County, Texas.

A Coastal Boundary Survey for the above-referenced project has been reviewed and accepted by Surveying Services; upon completion of public notice requirements, the survey will be filed in the Texas General Land Office, Archives and Records, in accordance with provisions of the Tex. Nat. Res. Code §33.136.

by:

Signed: David Klotz, Staff Surveyor

Date: July 28, 2025

Pursuant to Tex. Nat. Res. Code §33.136, the herein described Coastal Boundary Survey is approved by Dawn Buckingham, M.D., Commissioner of the Texas General Land Office.

by:

Signed: Jennifer Jones, Chief Clerk and Deputy Land Commissioner

Date: August 29, 2025

Filed as: Matagorda County, NRC Article 33.136 Sketch No. 23

Tex. Nat. Res. Code §33.136

TRD-202503123

Jennifer Jones

Chief Clerk and Deputy Land Commissioner

General Land Office

Filed: August 29, 2025

Texas Department of Insurance

Notice of Hearing

TWIA Adjustments to Maximum Liability Limits

DOCKET NO. 2856

The commissioner of insurance will hold a public hearing to consider the adjustments that the Texas Windstorm Insurance Association (TWIA) proposed to its maximum limits of liability. The hearing will begin at 2:00 p.m., central time, on September 25, 2025, in Room 2.034 of the Barbara Jordan State Office Building, 1601 Congress Avenue in Austin, Texas. **This is not a hearing on TWIA's rates.**

The commissioner has jurisdiction over this hearing under Insurance Code §2210.504.

TWIA filed proposed inflation adjustments to its maximum liability limits on August 7, 2025. The proposed adjustments would apply to windstorm and hail insurance policies delivered, issued for delivery, or renewed on or after January 1, 2026. This filing does not affect TWIA's rates.

By statute, the proposed adjustments are subject to review and either approval, disapproval, or modification by the Texas Department of Insurance (TDI). The proposed adjustments were modified by TDI in an initial order. Insurance Code §2210.504 requires the commissioner to give notice and hold a hearing before deciding whether to finally approve, disapprove, or modify the proposed adjustment within 30 days of the initial order.

How to review, request copies, and comment

To **review** or get copies of TDI's order of modification or TWIA's proposed adjustments to its maximum liability limits filings:

- **Online:** Go to www.tdi.texas.gov/submissions/indextwia.html#limit

- **In person:** You can review the filing in the Office of the Chief Clerk, Texas Department of Insurance, 1601 Congress Avenue, Austin, Texas 78701. If you would like to review the materials in person, please email ChiefClerk@tdi.texas.gov to arrange a time.

- **By mail:** Write to the Office of the Chief Clerk, MC: GC-CCO, Texas Department of Insurance, P.O. Box 12030, Austin, Texas 78711-2030.

To **comment:**

Written comments must be received by TDI on or before 5:00 p.m., central time, on September 25, 2025. Please include the docket number on any comments or exhibits. Submit your comments by mail to the Office of the Chief Clerk, MC: GC-CCO, Texas Department of Insurance, P.O. Box 12030, Austin, Texas 78711-2030 or by email to ChiefClerk@tdi.texas.gov.

TRD-202503140

Jessica Barta

General Counsel

Texas Department of Insurance

Filed: September 3, 2025

Texas Lottery Commission

Scratch Ticket Game Number 2650 "\$50, \$100 OR \$500!"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2650 is "\$50, \$100 OR \$500!". The play style is "key number match".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2650 shall be \$10.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2650.

A. Display Printing - That area of the Scratch Ticket outside of the area where the overprint and Play Symbols appear.

B. Latex Overprint - The removable scratch-off covering over the Play Symbols on the front of the Scratch Ticket.

C. Play Symbol - The printed data under the latex on the front of the Scratch Ticket that is used to determine eligibility for a prize. Each Play Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black Play Symbols are: 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, MONEY BAG SYMBOL, \$50.00, \$100 and \$500.

D. Play Symbol Caption - The printed material appearing below each Play Symbol which explains the Play Symbol. One caption appears under each Play Symbol and is printed in caption font in black ink in positive. The Play Symbol Caption which corresponds with and verifies each Play Symbol is as follows:

Figure 1: GAME NO. 2650 - 1.2D

| PLAY SYMBOL | CAPTION |
|-------------|---------|
| 01 | ONE |
| 02 | TWO |
| 03 | THR |
| 04 | FOR |
| 05 | FIV |
| 06 | SIX |
| 07 | SVN |
| 08 | EGT |
| 09 | NIN |
| 10 | TEN |
| 11 | ELV |
| 12 | TLV |
| 13 | TRN |
| 14 | FTN |
| 15 | FFN |
| 16 | SXN |
| 17 | SVT |
| 18 | ETN |
| 19 | NTN |
| 20 | TWY |
| 21 | TWON |
| 22 | TWTO |
| 23 | TWTH |
| 24 | TWFR |
| 25 | TWFO |

| | |
|----|------|
| 26 | TWSX |
| 27 | TWSV |
| 28 | TWET |
| 29 | TWNI |
| 30 | TRTY |
| 31 | TRON |
| 32 | TRTO |
| 33 | TRTH |
| 34 | TRFR |
| 35 | TRFV |
| 36 | TRSX |
| 37 | TRSV |
| 38 | TRET |
| 39 | TRNI |
| 40 | FRTY |
| 41 | FRON |
| 42 | FRTO |
| 43 | FRTH |
| 44 | FRFR |
| 45 | FRFV |
| 46 | FRSX |
| 47 | FRSV |
| 48 | FRET |
| 49 | FRNI |
| 51 | FFON |
| 52 | FFTO |
| 53 | FFTH |
| 54 | FFFR |

| | |
|------------------|--------|
| 55 | FFFV |
| 56 | FFSX |
| 57 | FFSV |
| 58 | FFET |
| 59 | FFNI |
| 60 | SXTY |
| MONEY BAG SYMBOL | WIN\$ |
| \$50.00 | FFTY\$ |
| \$100 | ONHN |
| \$500 | FVHN |

E. Serial Number - A unique thirteen (13) digit number appearing under the latex scratch-off covering on the front of the Scratch Ticket. The Serial Number is for validation purposes and cannot be used to play the game. The format will be: 0000000000000.

F. Bar Code - A twenty-four (24) character interleaved two (2) of five (5) Bar Code which will include a four (4) digit game ID, the seven (7) digit Pack number, the three (3) digit Ticket number and the ten (10) digit Validation Number. The Bar Code appears on the back of the Scratch Ticket.

G. Game-Pack-Ticket Number - A fourteen (14) digit number consisting of the four (4) digit game number (2650), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 050 within each Pack. The format will be: 2650-0000001-001.

H. Pack - A Pack of the "\$50, \$100 OR \$500!" Scratch Ticket Game contains 050 Tickets, packed in plastic shrink-wrapping and fanfolded in pages of one (1). Ticket back 001 and 050 will both be exposed.

I. Non-Winning Scratch Ticket - A Scratch Ticket which is not programmed to be a winning Scratch Ticket or a Scratch Ticket that does not meet all of the requirements of these Game Procedures, the State Lottery Act (Texas Government Code, Chapter 466), and applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 401.

J. Scratch Ticket Game, Scratch Ticket or Ticket - Texas Lottery "\$50, \$100 OR \$500!" Scratch Ticket Game No. 2650.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general Scratch Ticket validation requirements set forth in Texas Lottery Rule 401.302, Scratch Ticket Game Rules, these Game Procedures, and the requirements set out on the back of each Scratch Ticket. A prize winner in the "\$50, \$100 OR \$500!" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose fifty-four (54) Play Symbols. The player scratches the entire play area to reveal 6 WINNING NUMBERS Play Symbols and 24 YOUR NUMBERS Play Symbols. If the player matches any of the YOUR NUMBERS Play Symbols to any of the

WINNING NUMBERS Play Symbols, the player wins the prize for that number. If the player reveals a "MONEY BAG" Play Symbol, the player wins the prize for that symbol instantly! No portion of the Display Printing nor any extraneous matter whatsoever shall be usable or playable as a part of the Scratch Ticket.

2.1 Scratch Ticket Validation Requirements.

A. To be a valid Scratch Ticket, all of the following requirements must be met:

1. Exactly fifty-four (54) Play Symbols must appear under the Latex Overprint on the front portion of the Scratch Ticket;
2. Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption;
3. Each of the Play Symbols must be present in its entirety and be fully legible;
4. Each of the Play Symbols must be printed in black ink except for dual image games;
5. The Scratch Ticket shall be intact;
6. The Serial Number and Game-Pack-Ticket Number must be present in their entirety and be fully legible;
7. The Serial Number must correspond, using the Texas Lottery's codes, to the Play Symbols on the Scratch Ticket;
8. The Scratch Ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted or tampered with in any manner;
9. The Scratch Ticket must not be counterfeit in whole or in part;
10. The Scratch Ticket must have been issued by the Texas Lottery in an authorized manner;
11. The Scratch Ticket must not have been stolen, nor appear on any list of omitted Scratch Tickets or non-activated Scratch Tickets on file at the Texas Lottery;

12. The Play Symbols, Serial Number and Game-Pack-Ticket Number must be right side up and not reversed in any manner;

13. The Scratch Ticket must be complete and not miscut, and have exactly fifty-four (54) Play Symbols under the Latex Overprint on the front portion of the Scratch Ticket, exactly one Serial Number and exactly one Game-Pack-Ticket Number on the Scratch Ticket;

14. The Serial Number of an apparent winning Scratch Ticket shall correspond with the Texas Lottery's Serial Numbers for winning Scratch Tickets, and a Scratch Ticket with that Serial Number shall not have been paid previously;

15. The Scratch Ticket must not be blank or partially blank, misregistered, defective or printed or produced in error;

16. Each of the fifty-four (54) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the fifty-four (54) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Game-Pack-Ticket Number must be printed in the Game-Pack-Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;

18. The Display Printing on the Scratch Ticket must be regular in every respect and correspond precisely to the artwork on file at the Texas Lottery; and

19. The Scratch Ticket must have been received by the Texas Lottery by applicable deadlines.

B. The Scratch Ticket must pass all additional validation tests provided for in these Game Procedures, the Texas Lottery's Rules governing the award of prizes of the amount to be validated, and any confidential validation and security tests of the Texas Lottery.

C. Any Scratch Ticket not passing all of the validation requirements is void and ineligible for any prize and shall not be paid. However, the Executive Director may, solely at the Executive Director's discretion, refund the retail sales price of the Scratch Ticket. In the event a defective Scratch Ticket is purchased, the only responsibility or liability of the Texas Lottery shall be to replace the defective Scratch Ticket with another unplayed Scratch Ticket in that Scratch Ticket Game (or a Scratch Ticket of equivalent sales price from any other current Texas Lottery Scratch Ticket Game) or refund the retail sales price of the Scratch Ticket, solely at the Executive Director's discretion.

2.2 Programmed Game Parameters.

A. A Ticket can win up to ten (10) times in accordance with the prize structure.

B. Consecutive Non-Winning Tickets within a Pack will not have matching patterns, in the same order, of Play Symbols.

C. The top Prize Symbol will appear on every Ticket.

D. Each Ticket will have six (6) different WINNING NUMBERS Play Symbols.

E. Non-winning YOUR NUMBERS Play Symbols will all be different.

F. The "MONEY BAG" (WIN\$) Play Symbol will never appear in the WINNING NUMBERS Play Symbol spots.

G. The "MONEY BAG" (WIN\$) Play Symbol will never appear more than two (2) times on winning Tickets.

H. The \$50 Prize Symbol will only appear in the \$50 YOUR NUMBERS Play Symbol spots.

I. The \$100 Prize Symbol will only appear in the \$100 YOUR NUMBERS Play Symbol spots.

J. The \$500 Prize Symbol will only appear in the \$500 YOUR NUMBERS Play Symbol spots.

2.3 Procedure for Claiming Prizes.

A. To claim a "\$50, \$100 OR \$500!" Scratch Ticket Game prize of \$50.00, \$100 or \$500, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and may present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a \$50.00, \$100 or \$500 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B of these Game Procedures.

B. As an alternative method of claiming a "\$50, \$100 OR \$500!" Scratch Ticket Game prize, the claimant may submit the signed winning Scratch Ticket and a thoroughly completed claim form via mail. If a prize value is \$1,000,000 or more, the claimant must also provide proof of Social Security number or Tax Payer Identification (for U.S. Citizens or Resident Aliens). Mail all to: Texas Lottery Commission, P.O. Box 16600, Austin, Texas 78761-6600. The Texas Lottery is not responsible for Scratch Tickets lost in the mail. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

C. Prior to payment by the Texas Lottery of any prize, the Texas Lottery shall deduct the amount of a delinquent tax or other money from the winnings of a prize winner who has been finally determined to be:

1. delinquent in the payment of a tax or other money to a state agency and that delinquency is reported to the Comptroller under Government Code §403.055;

2. in default on a loan made under Chapter 52, Education Code;

3. in default on a loan guaranteed under Chapter 57, Education Code; or

4. delinquent in child support payments in the amount determined by a court or a Title IV-D agency under Chapter 231, Family Code.

D. If a person is indebted or owes delinquent taxes to the State, other than those specified in the preceding paragraph, the winnings of a person shall be withheld until the debt or taxes are paid.

2.4 Allowance for Delay of Payment. The Texas Lottery may delay payment of the prize pending a final determination by the Executive Director, under any of the following circumstances:

A. if a dispute occurs, or it appears likely that a dispute may occur, regarding the prize;

B. if there is any question regarding the identity of the claimant;

C. if there is any question regarding the validity of the Scratch Ticket presented for payment; or

D. if the claim is subject to any deduction from the payment otherwise due, as described in Section 2.3.D of these Game Procedures. No lia-

bility for interest for any delay shall accrue to the benefit of the claimant pending payment of the claim.

2.5 Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a cash prize under \$600 from the "\$50, \$100 OR \$500!" Scratch Ticket Game, the Texas Lottery shall deliver to an adult member of the minor's family or the minor's guardian a check or warrant in the amount of the prize payable to the order of the minor.

2.6 If a person under the age of 18 years is entitled to a cash prize of \$600 or more from the "\$50, \$100 OR \$500!" Scratch Ticket Game, the Texas Lottery shall deposit the amount of the prize in a custodial bank account, with an adult member of the minor's family or the minor's guardian serving as custodian for the minor.

2.7 Scratch Ticket Claim Period. All Scratch Ticket prizes must be claimed within 180 days following the end of the Scratch Ticket Game or within the applicable time period for certain eligible military personnel as set forth in Texas Government Code §466.408. Any rights to a prize that is not claimed within that period, and in the manner specified in these Game Procedures and on the back of each Scratch Ticket, shall be forfeited.

2.8 Disclaimer. The number of prizes in a game is approximate based on the number of Scratch Tickets ordered. The number of actual prizes available in a game may vary based on number of Scratch Tickets manufactured, testing, distribution, sales and number of prizes claimed. A

Scratch Ticket Game may continue to be sold even when all the top prizes have been claimed.

3.0 Scratch Ticket Ownership.

A. Until such time as a signature is placed upon the back portion of a Scratch Ticket in the space designated, a Scratch Ticket shall be owned by the physical possessor of said Scratch Ticket. When a signature is placed on the back of the Scratch Ticket in the space designated, the player whose signature appears in that area shall be the owner of the Scratch Ticket and shall be entitled to any prize attributable thereto. Notwithstanding any name or names submitted on a claim form, the Executive Director shall make payment to the player whose signature appears on the back of the Scratch Ticket in the space designated. If more than one name appears on the back of the Scratch Ticket, the Executive Director will require that one of those players whose name appears thereon be designated by such players to receive payment.

B. The Texas Lottery shall not be responsible for lost or stolen Scratch Tickets and shall not be required to pay on a lost or stolen Scratch Ticket.

4.0 Number and Value of Scratch Prizes. There will be approximately 10,080,000 Scratch Tickets in Scratch Ticket Game No. 2650. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2650 - 4.0

| Prize Amount | Approximate Number of Winners* | Approximate Odds are 1 in ** |
|--------------|--------------------------------|------------------------------|
| \$50.00 | 806,400 | 12.50 |
| \$100 | 252,000 | 40.00 |
| \$500 | 10,080 | 1,000.00 |

*The number of prizes in a game is approximate based on the number of tickets ordered. The number of actual prizes available in a game may vary based on number of tickets manufactured, testing, distribution, sales and number of prizes claimed.

**The overall odds of winning a prize are 1 in 9.43. The individual odds of winning for a particular prize level may vary based on sales, distribution, testing, and number of prizes claimed.

A. The actual number of Scratch Tickets in the game may be increased or decreased at the sole discretion of the Texas Lottery Commission.

5.0 End of the Scratch Ticket Game. The Executive Director may, at any time, announce a closing date (end date) for the Scratch Ticket Game No. 2650 without advance notice, at which point no further Scratch Tickets in that game may be sold. The determination of the closing date and reasons for closing will be made in accordance with the Scratch Ticket closing procedures and the Scratch Ticket Game Rules. See 16 TAC §401.302(j).

6.0 Governing Law. In purchasing a Scratch Ticket, the player agrees to comply with, and abide by, these Game Procedures for Scratch Ticket Game No. 2650, the State Lottery Act (Texas Government Code, Chapter 466), applicable rules adopted by the Texas Lottery pursuant to the

State Lottery Act and referenced in 16 TAC, Chapter 401, and all final decisions of the Executive Director.

TRD-202503114
Deanne Rienstra
Interim General Counsel Lottery and Charitable Bingo
Texas Lottery Commission
Filed: August 28, 2025



Scratch Ticket Game Number 2678 "\$100, \$200, \$500 OR \$1,000!"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2678 is "\$100, \$200, \$500 OR \$1,000!". The play style is "key number match".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2678 shall be \$20.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2678.

A. Display Printing - That area of the Scratch Ticket outside of the area where the overprint and Play Symbols appear.

B. Latex Overprint - The removable scratch-off covering over the Play Symbols on the front of the Scratch Ticket.

C. Play Symbol - The printed data under the latex on the front of the Scratch Ticket that is used to determine eligibility for a prize. Each

Play Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black Play Symbols are: 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, MONEY BAG SYMBOL, \$100, \$200, \$500 and \$1,000.

D. Play Symbol Caption - The printed material appearing below each Play Symbol which explains the Play Symbol. One caption appears under each Play Symbol and is printed in caption font in black ink in positive. The Play Symbol Caption which corresponds with and verifies each Play Symbol is as follows:

Figure 1: GAME NO. 2678 - 1.2D

| PLAY SYMBOL | CAPTION |
|-------------|---------|
| 01 | ONE |
| 02 | TWO |
| 03 | THR |
| 04 | FOR |
| 05 | FIV |
| 06 | SIX |
| 07 | SVN |
| 08 | EGT |
| 09 | NIN |
| 10 | TEN |
| 11 | ELV |
| 12 | TLV |
| 13 | TRN |
| 14 | FTN |
| 15 | FFN |
| 16 | SXN |
| 17 | SVT |
| 18 | ETN |
| 19 | NTN |
| 20 | TWY |
| 21 | TWON |
| 22 | TWTO |
| 23 | TWTH |
| 24 | TWFR |
| 25 | TWFO |
| 26 | TWSX |
| 27 | TWSV |

| | |
|----|------|
| 28 | TWET |
| 29 | TWNI |
| 30 | TRTY |
| 31 | TRON |
| 32 | TRTO |
| 33 | TRTH |
| 34 | TRFR |
| 35 | TRFV |
| 36 | TRSX |
| 37 | TRSV |
| 38 | TRET |
| 39 | TRNI |
| 40 | FRTY |
| 41 | FRON |
| 42 | FRTO |
| 43 | FRTH |
| 44 | FRFR |
| 45 | FRFV |
| 46 | FRSX |
| 47 | FRSV |
| 48 | FRET |
| 49 | FRNI |
| 50 | FFTY |
| 51 | FFON |
| 52 | FFTO |
| 53 | FFTH |
| 54 | FFFR |
| 55 | FFFV |
| 56 | FFSX |

| | |
|------------------|-------|
| 57 | FFSV |
| 58 | FFET |
| 59 | FFNI |
| 60 | SXTY |
| 61 | SXON |
| 62 | SXTO |
| 63 | SXTH |
| 64 | SXFR |
| 65 | SXFV |
| 66 | SXSX |
| 67 | SXSV |
| 68 | SXET |
| 69 | SXNI |
| 70 | SVTY |
| 71 | SVON |
| 72 | SVTO |
| 73 | SVTH |
| 74 | SVFR |
| 75 | SVFV |
| 76 | SVSX |
| 77 | SVSV |
| 78 | SVET |
| 79 | SVNI |
| MONEY BAG SYMBOL | WIN\$ |
| \$100 | ONHN |
| \$200 | TOHN |
| \$500 | FVHN |
| \$1,000 | ONTH |

E. Serial Number - A unique thirteen (13) digit number appearing under the latex scratch-off covering on the front of the Scratch Ticket. The Serial Number is for validation purposes and cannot be used to play the game. The format will be: 0000000000000.

F. Bar Code - A twenty-four (24) character interleaved two (2) of five (5) Bar Code which will include a four (4) digit game ID, the seven (7) digit Pack number, the three (3) digit Ticket number and the ten (10) digit Validation Number. The Bar Code appears on the back of the Scratch Ticket.

G. Game-Pack-Ticket Number - A fourteen (14) digit number consisting of the four (4) digit game number (2678), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 025 within each Pack. The format will be: 2678-0000001-001.

H. Pack - A Pack of the "\$100, \$200, \$500 OR \$1,000!" Scratch Ticket Game contains 025 Tickets, packed in plastic shrink-wrapping and fan-folded in pages of one (1). The Packs will alternate. One will show the front of Ticket 001 and back of 025 while the other fold will show the back of Ticket 001 and front of 025.

I. Non-Winning Scratch Ticket - A Scratch Ticket which is not programmed to be a winning Scratch Ticket or a Scratch Ticket that does not meet all of the requirements of these Game Procedures, the State Lottery Act (Texas Government Code, Chapter 466), and applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 401.

J. Scratch Ticket Game, Scratch Ticket or Ticket - Texas Lottery "\$100, \$200, \$500 OR \$1,000!" Scratch Ticket Game No. 2678.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general Scratch Ticket validation requirements set forth in Texas Lottery Rule 401.302, Scratch Ticket Game Rules, these Game Procedures, and the requirements set out on the back of each Scratch Ticket. A prize winner in the "\$100, \$200, \$500 OR \$1,000!" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose sixty-eight (68) Play Symbols. The player scratches the entire play area to reveal 8 WINNING NUMBERS Play Symbols and 30 YOUR NUMBERS Play Symbols. If the player matches any of the YOUR NUMBERS Play Symbols to any of the WINNING NUMBERS Play Symbols, the player wins the prize for that number. If the player reveals a "MONEY BAG" Play Symbol, the player wins the prize for that symbol instantly! No portion of the Display Printing nor any extraneous matter whatsoever shall be usable or playable as a part of the Scratch Ticket.

2.1 Scratch Ticket Validation Requirements.

A. To be a valid Scratch Ticket, all of the following requirements must be met:

1. Exactly sixty-eight (68) Play Symbols must appear under the Latex Overprint on the front portion of the Scratch Ticket;
2. Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption;
3. Each of the Play Symbols must be present in its entirety and be fully legible;
4. Each of the Play Symbols must be printed in black ink except for dual image games;
5. The Scratch Ticket shall be intact;
6. The Serial Number and Game-Pack-Ticket Number must be present in their entirety and be fully legible;

7. The Serial Number must correspond, using the Texas Lottery's codes, to the Play Symbols on the Scratch Ticket;

8. The Scratch Ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted or tampered with in any manner;

9. The Scratch Ticket must not be counterfeit in whole or in part;

10. The Scratch Ticket must have been issued by the Texas Lottery in an authorized manner;

11. The Scratch Ticket must not have been stolen, nor appear on any list of omitted Scratch Tickets or non-activated Scratch Tickets on file at the Texas Lottery;

12. The Play Symbols, Serial Number and Game-Pack-Ticket Number must be right side up and not reversed in any manner;

13. The Scratch Ticket must be complete and not miscut, and have exactly sixty-eight (68) Play Symbols under the Latex Overprint on the front portion of the Scratch Ticket, exactly one Serial Number and exactly one Game-Pack-Ticket Number on the Scratch Ticket;

14. The Serial Number of an apparent winning Scratch Ticket shall correspond with the Texas Lottery's Serial Numbers for winning Scratch Tickets, and a Scratch Ticket with that Serial Number shall not have been paid previously;

15. The Scratch Ticket must not be blank or partially blank, misregistered, defective or printed or produced in error;

16. Each of the sixty-eight (68) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the sixty-eight (68) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Game-Pack-Ticket Number must be printed in the Game-Pack-Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;

18. The Display Printing on the Scratch Ticket must be regular in every respect and correspond precisely to the artwork on file at the Texas Lottery; and

19. The Scratch Ticket must have been received by the Texas Lottery by applicable deadlines.

B. The Scratch Ticket must pass all additional validation tests provided for in these Game Procedures, the Texas Lottery's Rules governing the award of prizes of the amount to be validated, and any confidential validation and security tests of the Texas Lottery.

C. Any Scratch Ticket not passing all of the validation requirements is void and ineligible for any prize and shall not be paid. However, the Executive Director may, solely at the Executive Director's discretion, refund the retail sales price of the Scratch Ticket. In the event a defective Scratch Ticket is purchased, the only responsibility or liability of the Texas Lottery shall be to replace the defective Scratch Ticket with another unplayed Scratch Ticket in that Scratch Ticket Game (or a Scratch Ticket of equivalent sales price from any other current Texas Lottery Scratch Ticket Game) or refund the retail sales price of the Scratch Ticket, solely at the Executive Director's discretion.

2.2 Programmed Game Parameters.

A. A Ticket can win up to seven (7) times in accordance with the prize structure.

B. Consecutive Non-Winning Tickets within a Pack will not have matching patterns, in the same order, of Play Symbols.

- C. The top Prize Symbol will appear on every Ticket.
- D. Each Ticket will have eight (8) different WINNING NUMBERS Play Symbols.
- E. Non-winning YOUR NUMBERS Play Symbols will all be different.
- F. The "MONEY BAG" (WIN\$) Play Symbol will never appear in the WINNING NUMBERS Play Symbol spots.
- G. The "MONEY BAG" (WIN\$) Play Symbol will never appear more than two (2) times on winning Tickets.
- H. The \$100 Prize Symbol will only appear in the \$100 YOUR NUMBERS Play Symbol spots.
- I. The \$200 Prize Symbol will only appear in the \$200 YOUR NUMBERS Play Symbol spots.
- J. The \$500 Prize Symbol will only appear in the \$500 YOUR NUMBERS Play Symbol spots.
- K. The \$1,000 Prize Symbol will only appear in the \$1,000 YOUR NUMBERS Play Symbol spots.

2.3 Procedure for Claiming Prizes.

A. To claim a "\$100, \$200, \$500 OR \$1,000!" Scratch Ticket Game prize of \$100, \$200 or \$500, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and may present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a \$100, \$200 or \$500 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

B. To claim a "\$100, \$200, \$500 OR \$1,000!" Scratch Ticket Game prize of \$1,000, the claimant must sign the winning Scratch Ticket and may present it at one of the Texas Lottery's Claim Centers. If the claim is validated by the Texas Lottery, payment will be made to the bearer of the validated winning Scratch Ticket for that prize upon presentation of proper identification. When paying a prize of \$600 or more, the Texas Lottery shall file the appropriate income reporting form with the Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

C. As an alternative method of claiming a "\$100, \$200, \$500 OR \$1,000!" Scratch Ticket Game prize, the claimant may submit the signed winning Scratch Ticket and a thoroughly completed claim form via mail. If a prize value is \$1,000,000 or more, the claimant must also provide proof of Social Security number or Tax Payer Identification (for U.S. Citizens or Resident Aliens). Mail all to: Texas Lottery Commission, P.O. Box 16600, Austin, Texas 78761-6600. The Texas Lottery is not responsible for Scratch Tickets lost in the mail. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

D. Prior to payment by the Texas Lottery of any prize, the Texas Lottery shall deduct the amount of a delinquent tax or other money from the winnings of a prize winner who has been finally determined to be:

1. delinquent in the payment of a tax or other money to a state agency and that delinquency is reported to the Comptroller under Government Code §403.055;
 2. in default on a loan made under Chapter 52, Education Code;
 3. in default on a loan guaranteed under Chapter 57, Education Code; or
 4. delinquent in child support payments in the amount determined by a court or a Title IV-D agency under Chapter 231, Family Code.
- E. If a person is indebted or owes delinquent taxes to the State, other than those specified in the preceding paragraph, the winnings of a person shall be withheld until the debt or taxes are paid.

2.4 Allowance for Delay of Payment. The Texas Lottery may delay payment of the prize pending a final determination by the Executive Director, under any of the following circumstances:

- A. if a dispute occurs, or it appears likely that a dispute may occur, regarding the prize;
- B. if there is any question regarding the identity of the claimant;
- C. if there is any question regarding the validity of the Scratch Ticket presented for payment; or
- D. if the claim is subject to any deduction from the payment otherwise due, as described in Section 2.3.D of these Game Procedures. No liability for interest for any delay shall accrue to the benefit of the claimant pending payment of the claim.

2.5 Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a cash prize under \$600 from the "\$100, \$200, \$500 OR \$1,000!" Scratch Ticket Game, the Texas Lottery shall deliver to an adult member of the minor's family or the minor's guardian a check or warrant in the amount of the prize payable to the order of the minor.

2.6 If a person under the age of 18 years is entitled to a cash prize of \$600 or more from the "\$100, \$200, \$500 OR \$1,000!" Scratch Ticket Game, the Texas Lottery shall deposit the amount of the prize in a custodial bank account, with an adult member of the minor's family or the minor's guardian serving as custodian for the minor.

2.7 Scratch Ticket Claim Period. All Scratch Ticket prizes must be claimed within 180 days following the end of the Scratch Ticket Game or within the applicable time period for certain eligible military personnel as set forth in Texas Government Code §466.408. Any rights to a prize that is not claimed within that period, and in the manner specified in these Game Procedures and on the back of each Scratch Ticket, shall be forfeited.

2.8 Disclaimer. The number of prizes in a game is approximate based on the number of Scratch Tickets ordered. The number of actual prizes available in a game may vary based on number of Scratch Tickets manufactured, testing, distribution, sales and number of prizes claimed. A Scratch Ticket Game may continue to be sold even when all the top prizes have been claimed.

3.0 Scratch Ticket Ownership.

A. Until such time as a signature is placed upon the back portion of a Scratch Ticket in the space designated, a Scratch Ticket shall be owned by the physical possessor of said Scratch Ticket. When a signature is placed on the back of the Scratch Ticket in the space designated, the player whose signature appears in that area shall be the owner of the Scratch Ticket and shall be entitled to any prize attributable thereto. Notwithstanding any name or names submitted on a claim form, the Executive Director shall make payment to the player whose signature appears on the back of the Scratch Ticket in the space designated. If

more than one name appears on the back of the Scratch Ticket, the Executive Director will require that one of those players whose name appears thereon be designated by such players to receive payment.

B. The Texas Lottery shall not be responsible for lost or stolen Scratch Tickets and shall not be required to pay on a lost or stolen Scratch Ticket.

4.0 Number and Value of Scratch Prizes. There will be approximately 5,040,000 Scratch Tickets in Scratch Ticket Game No. 2678. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2678 - 4.0

| Prize Amount | Approximate Number of Winners* | Approximate Odds are 1 in ** |
|--------------|--------------------------------|------------------------------|
| \$100 | 403,200 | 12.50 |
| \$200 | 100,800 | 50.00 |
| \$500 | 24,192 | 208.33 |
| \$1,000 | 3,024 | 1,666.67 |

*The number of prizes in a game is approximate based on the number of tickets ordered. The number of actual prizes available in a game may vary based on number of tickets manufactured, testing, distribution, sales and number of prizes claimed.

**The overall odds of winning a prize are 1 in 9.49. The individual odds of winning for a particular prize level may vary based on sales, distribution, testing, and number of prizes claimed.

A. The actual number of Scratch Tickets in the game may be increased or decreased at the sole discretion of the Texas Lottery Commission.

5.0 End of the Scratch Ticket Game. The Executive Director may, at any time, announce a closing date (end date) for the Scratch Ticket Game No. 2678 without advance notice, at which point no further Scratch Tickets in that game may be sold. The determination of the closing date and reasons for closing will be made in accordance with the Scratch Ticket closing procedures and the Scratch Ticket Game Rules. See 16 TAC §401.302(j).

6.0 Governing Law. In purchasing a Scratch Ticket, the player agrees to comply with, and abide by, these Game Procedures for Scratch Ticket Game No. 2678, the State Lottery Act (Texas Government Code, Chapter 466), applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 401, and all final decisions of the Executive Director.

TRD-202503115

Deanne Rienstra

Interim General Counsel Lottery and Charitable Bingo

Texas Lottery Commission

Filed: August 28, 2025



Public Utility Commission of Texas

Notice of Public Hearing on Proposed ERCOT Budget for 2026 and 2027 and Request for Public Comment

Texas Utilities Code § 39.151 (d-1) and 16 Texas Administrative Code (TAC) §25.363(d) and (e) (relating to *ERCOT Budget and Fees*) requires the Electric Reliability Council of Texas (ERCOT) to submit

for Public Utility Commission of Texas (Commission) review and approval ERCOT's entire proposed annual budget. 16 TAC §25.363 further requires ERCOT to also submit its budget strategies and staffing needs, with a justification for all expenses, capital outlays, additional debt, and staffing requirements. The Commission may approve, disapprove, or modify ERCOT's proposed budget and any item included in the proposed budget and budget strategies. After approving ERCOT's budget, the Commission must authorize ERCOT to charge a system administration fee that is reasonable and competitively neutral to fund ERCOT's budget. Project Number 38533, *PUC Review of ERCOT Budget*, has been established for this proceeding.

Texas Utilities Code § 39.151(d-3) and 16 TAC §25.363(f) also require ERCOT to submit proposed performance measures for Commission review and approval at the time ERCOT submits its proposed budget. ERCOT must also provide an explanation for any performance measure whose value for any of the preceding three calendar years was not within 5% of the Commission-approved target. The Commission will review ERCOT's performance as part of the budget-review process.

The Commission must provide public notice of ERCOT's proposed budget and allow for public participation in the budget review process. Pursuant to Texas Utilities Code § 39.151(e-1), the review and approval of ERCOT's proposed budget and a proceeding to authorize and set the range for the fee is not a contested case under Texas Government Code Chapter 2001.

On August 28, 2025, ERCOT made a filing in Project Number 38533 entitled "ERCOT's 2026/2027 Biennial Budget and System Administration Fee Submission" (Item No. 75). As part of its 2026 and 2027 budget, ERCOT proposes to decrease the fee from \$0.63 per MWh to \$0.61 per MWh. This ERCOT filing is pub-

licly accessible on the Commission's interchange filing system at <https://interchange.puc.texas.gov/search/documents/?controlNumber=38533&itemNumber=75>.

To provide the public an opportunity to participate in the budget-review process, Commission Staff will hold a public hearing on Friday, October 3, 2025, at 9:30 a.m. in the Commissioners' Hearing Room, located on the 7th floor of the William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701, regarding ERCOT's filing in Project Number 38533 entitled "ERCOT's 2026/2027 Biennial Budget and System Administration Fee Submission" (Item No. 75).

Prior to the hearing, and in order to provide the public an additional opportunity to participate in the budget-review process, the Commission invites interested persons to file written comments on ERCOT's filing in Project Number 38533 entitled "ERCOT's 2026/2027 Biennial Budget and System Administration Fee Submission" (Item No. 75). Written comments should be filed in Project Number 38533 no later than Tuesday, September 23, 2025. All written comments should reference Project Number 38533. Written comments should be no longer than ten (10) pages. Individuals may submit written comments, provide oral comments at the hearing, or both.

The following guidelines will be used during the hearing:

1. Any individual wishing to offer oral comments at the hearing will be required to sign in prior to the beginning of the hearing.
2. Commission Staff will call individuals to provide oral comments in the order in which they signed in.
3. While Commission Staff reserves the right to modify the time limit for oral comments at the time of hearing in order to accommodate all

individuals signed up to speak, it is currently estimated that each individual will be provided up to ten (10) minutes to offer oral comments.

4. Individuals providing written comments as well as oral comments are asked not to read their written comments during the hearing, but instead to highlight their main points in their written comments or address other points.

5. Organizations with several representatives are asked to select one speaker to orally present the organization's comments.

The hearing will be live streamed by AdminMonitor. Public access to the live stream is located at <https://www.puc.texas.gov/agency/calendar/broadcasts/>. Questions concerning the public hearing or this notice should be referred to Jena Abel, Agency Counsel, (512) 936-7144. Hearing and speech-impaired individuals with text telephones (TTY) may contact the Commission through Relay Texas by dialing 7-1-1.

TRD-202503129

Andrea Gonzalez

Rules Coordinator

Public Utility Commission of Texas

Filed: September 2, 2025

◆ ◆ ◆
Supreme Court of Texas

Final Approval of Amendments to Texas Rule of Civil Procedure 201

Supreme Court of Texas

Misc. Docket No. 25-9060

Final Approval of Amendments to Texas Rule of Civil Procedure 201

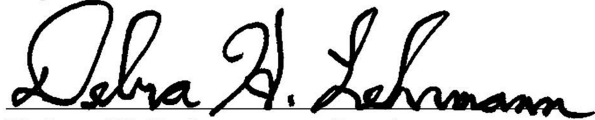
ORDERED that:

1. On April 30, 2025, the Court preliminarily approved amendments to Texas Rule of Civil Procedure 201 and invited public comment.
2. Following the comment period, the Court made revisions to the amendments. This Order incorporates the revisions and contains the final version of the amendments, effective August 31, 2025.
3. The Clerk is directed to:
 - a. file a copy of this Order with the Secretary of State;
 - b. cause a copy of this Order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
 - c. send a copy of this Order to the Governor, the Lieutenant Governor, and each elected member of the Legislature; and
 - d. submit a copy of this Order for publication in the *Texas Register*.

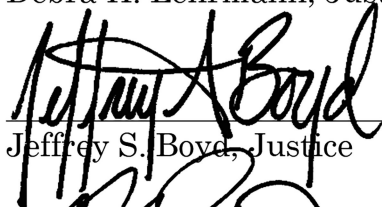
Dated: August 29, 2025.




James D. Blacklock, Chief Justice



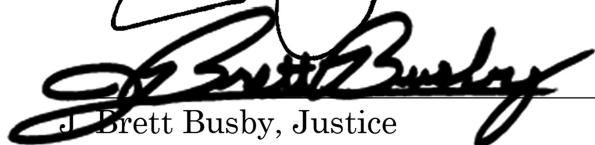
Debra H. Lehrmann, Justice



Jeffrey S. Boyd, Justice



John P. Devine, Justice



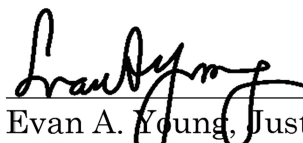
J. Brett Busby, Justice



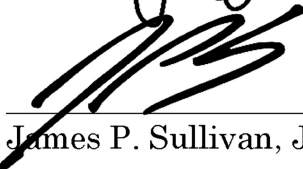
Jane N. Bland, Justice



Rebeca A. Huddle, Justice



Evan A. Young, Justice



James P. Sullivan, Justice

RULE 201. DEPOSITIONS~~DISCOVERY~~ IN OTHER STATES AND FOREIGN JURISDICTIONS~~COUNTRIES~~ FOR USE IN TEXAS PROCEEDINGS; DEPOSITIONS~~DISCOVERY~~ IN TEXAS FOR USE IN FOREIGN PROCEEDINGS IN OTHER STATES AND FOREIGN COUNTRIES

201.1 Depositions in Other States and Foreign ~~Jurisdictions~~ Countries for Use in Texas Proceedings.

201.2 Depositions in Texas for Use in Proceedings in Foreign ~~Jurisdictions~~ Countries.

If a court of record of any other state or foreign jurisdiction ~~country~~ that is a signator to the Hague Convention on the Taking Evidence Abroad in Civil or Commercial Matters or another similar treaty issues a ~~mandate, writ, or commission~~ letter of request that requires a witness's oral or written deposition testimony in this State, the witness may be compelled to appear and testify in the same manner and by the same process used for taking testimony in a proceeding pending in this State.

201.3 Discovery in Texas for Use in Proceedings in Other States.

(a) Definitions.

- (1) "Out-of-state subpoena" means a subpoena issued under the authority of a court in another state.
- (2) "Subpoena" means a document issued under the authority of a court requiring a person or entity to:
 - A. attend and give testimony at a deposition on oral examination or written questions; or
 - B. produce documents or tangible things.

(b) Issuance of Subpoena.

- (1) Request. To request issuance of a subpoena, a party must submit an out-of-state subpoena to a clerk of a district or county court in the county in which discovery is sought to be conducted in Texas. A request for the issuance of a subpoena under this rule does not constitute an appearance in a Texas court.

(2) *Clerk Duties.* When a party submits an out-of-state subpoena to a Texas court clerk, the clerk must promptly issue a subpoena for service on the person or entity to which the out-of-state subpoena is directed.

(3) *Subpoena Contents.* A subpoena under paragraph (2) must:

A. incorporate the terms used in the out-of-state subpoena; and

B. contain or be accompanied by the names, addresses, and telephone numbers of all counsel of record in the proceeding to which the subpoena relates and of any party who has appeared and is not represented by counsel.

(c) **Service of Subpoena.** A subpoena issued under paragraph (b)(2) must be served in compliance with Rules 176 and 205.

(d) **Depositions and Production.** Rules 190 to 200 and 205 apply to subpoenas issued under paragraph (b)(2).

(e) **Application to Court.** An application to the issuing court for a protective order or to enforce, quash, or modify a subpoena must comply with the rules or statutes of Texas.

Notes and Comments

Comment to 2025 change: New Rule 201.3 is based on the Uniform Interstate Depositions and Discovery Act, in accordance with Section 1 of the Act of May 21, 2023, 88th Leg., R.S., ch. 616 (H.B. 3929). The Uniform Interstate Depositions and Discovery Act is adopted as modified by new Rule 201.3. The modification excludes that Act's provisions permitting premises inspection by subpoena, retaining the Texas rule requiring a court order for premises inspections for both in-state and out-of-state litigation. Other clarifying and stylistic changes have been made.

TRD-202503143
Jaclyn Daumerie
Rules Attorney
Supreme Court of Texas
Filed: September 3, 2025

◆ ◆ ◆
Order Amending Rule 18 of the Rules Governing Admission
to the Bar of Texas

Supreme Court of Texas

=====

Misc. Docket No. 25-9055

=====

Order Amending Rule 18 of the Rules Governing Admission to the Bar of Texas

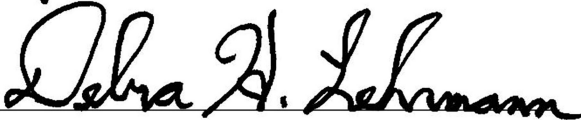
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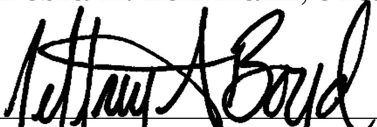
ORDERED that:

1. The Court approves the following amendments to Rule 18 of the Rules Governing Admission to the Bar of Texas, effective immediately.
2. The Clerk is directed to:
 - a. file a copy of this Order with the Secretary of State;
 - b. cause a copy of this Order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
 - c. send a copy of this Order to the Governor, the Lieutenant Governor, and each elected member of the Legislature; and
 - d. submit a copy of this Order for publication in the *Texas Register*.

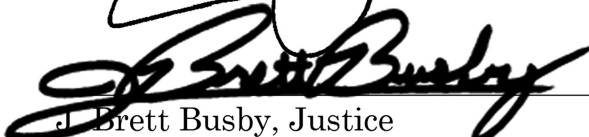
Dated: August 29, 2025.


James D. Blacklock, Chief Justice


Debra H. Lehrmann, Justice

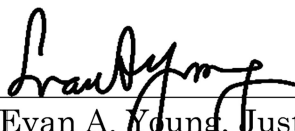

Jeffrey S. Boyd, Justice


John P. Devine, Justice


J. Brett Busby, Justice


Jane N. Bland, Justice


Rebeca A. Huddle, Justice


Evan A. Young, Justice


James P. Sullivan, Justice

Rule 18
Fees

a. The following provisions shall govern the fees charged by the Board:

| | |
|----------------------------------------------------------|-----------------|
| Attorney Application Fee..... | \$700 |
| Check Returned for Insufficient Funds Fee | \$25 |
| Examination Fee | \$150 |
| Venue Fee..... | \$150 |
| Fingerprint Processing Fee..... | \$40 |
| Incomplete Application Fee..... | \$75 |
| Investigation Fee..... | \$150 |
| Foreign Legal Consultant Certification Renewal Fee..... | \$150 |
| Foreign Nation Inquiry Fee..... | \$100 |
| Foreign Trained Application Fee | \$700 |
| Laptop Examination Fee | \$50 |
| Late Fee for Declaration of Intention to Study Law | \$150 |
| Late Fee for Texas Bar Examination | |
| Feb. by November 1..... | \$150 |
| Feb. by December 1 | \$300 |
| July by April 1..... | \$150 |
| July by May 1..... | \$300 |
| MBE Transfer Fee..... | \$25 |
| Military Attorney Application Fee..... | \$25 |
| Practice Time Evaluation Fee | \$150 |
| Re Examination Fee..... | \$75 |
| Student Application Fee..... | \$150 |
| Uniform Bar Examination Transfer Fee | \$150 |

Rule 18
Fees

a. The following provisions shall govern the fees charged by the Board:

| | |
|----------------------------------------------------------|-------|
| Attorney Application Fee..... | \$700 |
| Check Returned for Insufficient Funds Fee | \$25 |
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| Venue Fee..... | \$150 |
| Fingerprint Processing Fee..... | \$40 |
| Incomplete Application Fee..... | \$75 |
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| Foreign Legal Consultant Certification Renewal Fee..... | \$150 |
| Foreign Nation Inquiry Fee..... | \$100 |
| Foreign Trained Application Fee | \$700 |
| Laptop Examination Fee | \$50 |
| Late Fee for Declaration of Intention to Study Law | \$150 |
| Late Fee for Texas Bar Examination | |
| Feb. by November 1..... | \$150 |
| Feb. by December 1 | \$300 |
| July by April 1..... | \$150 |
| July by May 1..... | \$300 |
| MBE Transfer Fee..... | \$25 |
| Military Attorney Application Fee..... | \$25 |
| Practice Time Evaluation Fee | \$150 |
| Student Application Fee..... | \$150 |
| Uniform Bar Examination Transfer Fee | \$150 |

TRD-202503125
Jaclyn Daumerie
Rules Attorney
Supreme Court of Texas
Filed: August 29, 2025

◆ ◆ ◆
Order Appointing Eviction Rules Task Force

Supreme Court of Texas

Misc. Docket No. 25-9065

Order Appointing Eviction Rules Task Force

ORDERED that:

1. A Task Force is appointed to advise the Court regarding rules to be adopted or revised under Senate Bill 38 enacted by the 89th Legislature (Act of May 28, 2025, 89th Leg., R.S., ch. 960, § 16).
2. The members of the Task Force are:

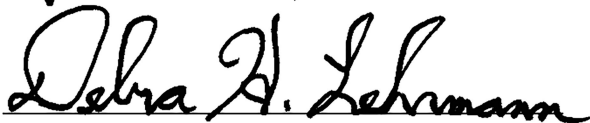
| | |
|----------------------------|-----------------|
| Hon. Brad Cummings | Sulphur Springs |
| David Fritsche | San Antonio |
| Hon. Lisa Gonzales | Corpus Christi |
| Hon. Cody Henson | Burnet |
| Hon. Sylvia Holmes | Austin |
| Sandy Hoy | Austin |
| Hon. Tricia Krenek | Fulshear |
| Eric Kwartler | Houston |
| Nelson Mock | Austin |
| Hon. Jennifer Rymell | Fort Worth |
| Hon. Manpreet Monica Singh | Houston |
| Hon. Stacye Speck | San Angelo |
| Hon. Amy Tarno | Forney |
| Bronson Tucker | Austin |
| Hon. Holly Williamson | Pasadena |
3. The Honorable Jennifer Rymell is appointed Chair of the Task Force.
4. The Task Force is directed to submit draft rules to the Supreme Court Advisory Committee by October 1, 2025. The Task Force should be prepared to present the rules at the Supreme Court Advisory Committee's October 10, 2025 meeting.
5. The Clerk is directed to:

- a. file a copy of this Order with the Secretary of State;
- b. cause a copy of this Order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
- c. send a copy of this Order to the Governor, Lieutenant Governor, and each elected member of the Legislature; and
- d. submit a copy of this Order for publication in the *Texas Register*.

Dated: September 2, 2025.



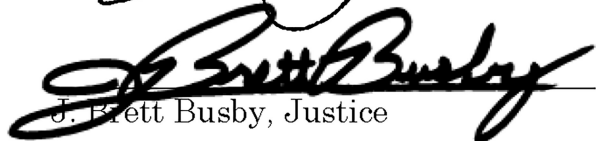
James D. Blacklock, Chief Justice



Debra H. Lehrmann, Justice



John P. Devine, Justice



J. Brett Busby, Justice



Jane N. Bland, Justice



Rebeca A. Huddle, Justice



Evan A. Young, Justice



James P. Sullivan, Justice

TRD-202503139
Jaclyn Daumerie
Rules Attorney
Supreme Court of Texas
Filed: September 2, 2025

Order Approving Amendments to Rule 23 of the Rules
Governing Admission to the Bar of Texas, Article XIV of the
State Bar Rules, Rule 3.4 of the Rules of the Judicial Branch
Certification Commission

◆ ◆ ◆

Supreme Court of Texas

Misc. Docket No. 25-9063

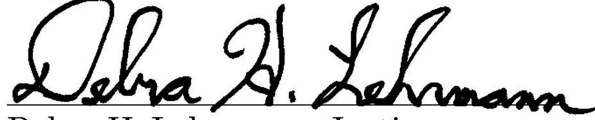
Order Approving Amendments to Rule 23 of the Rules Governing Admission to the Bar of Texas, Article XIV of the State Bar Rules, Rule 3.4 of the Rules of the Judicial Branch Certification Commission

ORDERED that:

1. The Court preliminarily approves amendments to Rule 23 of the Rules Governing Admission to the Bar of Texas, Article XIV of the State Bar Rules, and Rule 3.4 of the Rules of the Judicial Branch Certification Commission.
2. To effectuate the Act of June 20, 2025, 89th Leg., R.S., ch. 686 (H.B. 5629), the amendments are effective September 1, 2025. But they may later be changed in response to public comments. The Court requests public comments be submitted in writing to rulescomments@txcourts.gov by November 1, 2025.
3. The Clerk is directed to:
 - a. file a copy of this Order with the Secretary of State;
 - b. cause a copy of this Order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
 - c. send a copy of this Order to the Governor, the Lieutenant Governor, and each elected member of the Legislature; and
 - d. submit a copy of this Order for publication in the *Texas Register*.

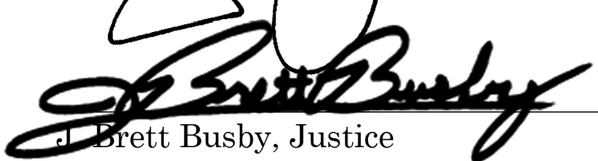
Dated: August 29, 2025.


James D. Blacklock, Chief Justice


Debra H. Lehrmann, Justice

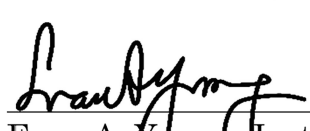

Jeffrey S. Boyd, Justice


John P. Devine, Justice


J. Brett Busby, Justice


Jane N. Bland, Justice


Rebeca A. Huddle, Justice


Evan A. Young, Justice


James P. Sullivan, Justice

Rules Governing Admission to the State Bar of Texas

Rule 23

Temporary License for Military Service Member or Military Spouse

§1 Definitions

(a) “Jurisdiction” means any state or U.S. territory.

~~(a)~~ (b) “Military Service Member” means an active-duty military service member.

~~(b)~~ (c) “Military Spouse” means the spouse of a Military Service Member.

§2 Eligibility

A Military Service Member or a Military Spouse is eligible for a ~~three~~five-year temporary license to practice law in Texas if the Military Service Member or the Military Spouse:

(a) is admitted to practice law in another ~~State~~jurisdiction;

(b) is in good standing in all jurisdictions where admitted and an active member of the bar in at least one ~~State~~jurisdiction;

(c) is not currently subject to discipline or the subject of a pending disciplinary matter in any jurisdiction;

(d) has never been disbarred or resigned in lieu of discipline in any jurisdiction;

(e) has never had an application for admission to any jurisdiction denied on character or fitness grounds;

(f) meets the law study requirements of Rule 3 or is exempted under Rule 13 §§ 3, 4, or 5; and

(g) has satisfactorily completed the Texas Law Component;~~and.~~

~~(h) is residing in Texas.~~

§3 Application

A Military Service Member or a Military Spouse must submit to the Board:

- (a) an application for temporary licensure on a form prescribed by the Board that includes a statement that the applicant has read and agrees to comply with Article XIV of the State Bar Rules;
- (b) a copy of the Military Service Member's military orders;
- (c) a certificate of good standing from the entity with final jurisdiction over professional discipline in each jurisdiction of admission;~~and~~
- (d) if the applicant is a Military Spouse, a copy of the Military Spouse's marriage license; and
- (~~e~~) any other evidence demonstrating that the Military Service Member or the Military Spouse satisfies the eligibility requirements of Section 2 that the Board may require.

§4 ~~Certification to Supreme Court~~Board Action

Within 10 days after the application is submitted, If the Board must either:

- (a) notify the Military Service Member or the Military Spouse that the application is incomplete;
- (b) notify the Military Service Member of the Military Spouse that the application is denied and the reason for the denial; or
- (c) if the Board determines that ~~a~~the Military Service Member or ~~a~~the Military Spouse has satisfied the requirements of Sections 1-3, the Board must recommend to the Supreme Court the temporary licensure of the Military Service Member or the Military Spouse, and notify the Military Service Member or the Military Spouse.

§5 Fee Waiver

A Military Service Member or a Military Spouse is not required to pay:

- (a) the fees required by Rule 18; or
- (b) the licensing fee to the Supreme Court Clerk.

State Bar Rules

ARTICLE XIV MILITARY SERVICE MEMBER AND MILITARY SPOUSE TEMPORARY LICENSE

Section 1. Definitions

A “temporary licensee” is an attorney who:

- is ~~the spouse of an active-duty military service member who has been ordered stationed in Texas~~ the spouse or an active-duty military service member; and
- has been issued a ~~three~~five-year temporary license to practice law in Texas by the Court in accordance with the Rules Governing Admission to the Bar of Texas.

Section 2. Licensure

The Texas Board of Law Examiners is responsible for determining whether an applicant seeking a military service member or military spouse temporary license meets the conditions set by the Court under the Rules Governing Admission to the Bar of Texas.

Section 3. Rights and Obligations; Discipline

A. A temporary licensee is entitled to all the rights and privileges and subject to all the obligations and responsibilities of active members of the State Bar that are set forth in the State Bar Act, the State Bar Rules, the Texas Disciplinary Rules of Professional Conduct, the Texas Rules of Disciplinary Procedure, and any other Texas laws or rules governing the conduct or discipline of attorneys.

B. A temporary licensee may be sanctioned or disciplined by a court or the State Bar in the same manner as an active member of the State Bar.

Section 4. Education

A. No later than six months after temporary licensure, a temporary licensee must complete the *Justice James A. Baker Guide to Ethics and Professionalism in Texas* course, administered by the Texas Center for Legal Ethics.

B. A temporary licensee is subject to the MCLE requirements in Article XII.

Section 5. Membership Fees

A temporary licensee must pay the State Bar membership fees required of an active member of the State Bar, unless waived under Article III, Section 8.

Section 6. Renewal Prohibited

A temporary licensee cannot renew a military service member or military spouse temporary license.

Section 7. Expiration; Notice

A. A military spouse temporary license expires on the ~~third~~fifth anniversary of the date of issuance, unless terminated earlier pursuant to Section 8.

B. No later than 60 days before the expiration of a temporary license, a temporary licensee must:

1. file a notice in each matter pending before any court, tribunal, agency, or commission that the temporary licensee will no longer be involved in the matter; and
2. provide written notice to all the temporary licensee's clients that the temporary licensee will no longer represent them.

Section 8. Termination; Notice

A. A military service member or military spouse temporary license will terminate and a temporary licensee must cease the practice of law in Texas on the earlier of the temporary license's expiration or:

1. ~~31 days~~3 years after any of the following events:

- a. ~~1.~~—the service member's separation or retirement from military service;
- ~~2.~~ ~~the service member's permanent relocation to another jurisdiction, unless the service member's assignment specifies that dependents are not authorized to accompany the service member;~~
- ~~3.~~ ~~the temporary licensee's permanent relocation outside of Texas;~~
- b. ~~4.~~—the temporary licensee's spousal relationship to the service member ends;

c. the temporary licensee's regular admission to practice law in Texas;
or

2. 31 days after any of the following events:

a. ~~5.~~—the denial by the Texas Board of Law Examiners of the temporary licensee's application for regular admission to practice law in Texas for reasons related to character and fitness;

~~6.~~—the temporary licensee's regular admission to practice law in Texas;

b. ~~7.~~—the imposition of a disciplinary sanction, other than a private reprimand or a referral to the State Bar's Grievance Referral Program, in any jurisdiction;

c. ~~8.~~—the conviction in any jurisdiction of a serious crime or intentional crime as defined in the Texas Rules of Disciplinary Procedure; or

d. ~~9.~~—the temporary licensee's written request filed with the Texas Board of Law Examiners and the State Bar.

B. In the event of a terminating event under (A)(1)(a)-(b), a temporary licensee must:

1. provide written notice to the State Bar within 30 days after the terminating event; and

2. at least 60 days before termination:

a. file a notice in each matter pending before any court, tribunal, agency, or commission that the temporary licensee will no longer be involved in the matter; and

b. provide written notice to all the temporary licensee's clients that the temporary licensee will no longer represent them.

BC. Within 30 days after a terminating event in (AB), ~~except (A)(6),~~ a temporary licensee must:

1. provide written notice to ~~the Texas Board of Law Examiners and the~~ State Bar;
2. file a notice in each matter pending before any court, tribunal, agency, or commission that the temporary licensee will no longer be involved in the matter; and
3. provide written notice to all the temporary licensee's clients that the temporary licensee will no longer represent them.

CD. Upon receipt of a notice required under (B) or (C), the State Bar must forward the notice to the Clerk for revocation of the military service member or military spouse temporary license.

Rules of the Judicial Branch Certification Commission

3.4 ~~Alternative Application Procedure~~ Certification for Military Spouses, Military Service Members, and Veterans

- (a) Pursuant to Chapter 55 of the Occupations Code, the Commission must grant ~~credit toward certification, registration, and licensing requirements for relevant verified military service education, training, and experience earned by~~ a license to a military service member or a military veteran, or military spouse who applies for certification, registration, or licensure. The Commission may withhold credit from a military service member or veteran who currently holds, in good standing, a restricted certification, registration, or license, similar in scope of practice, issued by another jurisdiction or has an unacceptable criminal history jurisdiction. The Commission must issue a certification, registration, or license to a military service member, military veteran, or a military spouse who within the five years preceding the application date, held a certification, registration, or license in this State.
- (b) The Commission must expedite applications for certification, registration, and licensure which are filed by military service members, military veterans, and military spouses.
- ~~(c) The Commission may issue a certification, registration, or license to an applicant who is a military service member, the spouse of a military service member, or a military veteran and:~~

- ~~(1) holds a current certification, registration, or license issued by another state that has requirements that are substantially equivalent to the requirements for the certification, registration, or license; or~~
- ~~(2) within the five years preceding the application date, held a certification, registration, or license in this State.~~
- ~~(d) The Commission may allow an applicant who meets the requirements of (e) to demonstrate competency by alternative methods or credentials in order to meet the requirements for obtaining a particular certification, registration, or license issued by the Commission. For purposes of this Section, the standard methods of demonstrating competency are the specific exam, education, and experience required to obtain a particular certification, registration, or license.~~
- ~~(e) In lieu of the standard methods of demonstrating competency for a particular certification, registration, or license and based on the applicant's circumstances, the alternative methods for demonstrating competency may include any combination of the following as determined by the Commission:~~
 - ~~(1) education;~~
 - ~~(2) continuing education;~~
 - ~~(3) examinations (written or skills);~~
 - ~~(4) letters of good standing;~~
 - ~~(5) letters of recommendation;~~
 - ~~(6) work experience; or~~
 - ~~(7) other methods or credentials required by the Commission.~~
- (f) The applicant must:
 - (1) submit an application and proof of the requirements under this rule and for that particular certification, registration, or license on a form and in a manner prescribed by the Commission; and

- (2) be subject to the same criminal history background check required of the persons applying for that particular certification, registration, or license.

(gd) A person who applies for a certification, registration, or license under this rule is exempt from paying an application fee.

(he) Military Service Member and Military Spouse Temporary Authorization.

- (1) The Commission must, within 10 business days, issue a military service member or a military spouse written confirmation that the military service member or military spouse may engage temporarily in a regulated practice without certification, registration, or licensure, upon submitting:

(A) ~~receipt of written notice from the military spouse of the intent~~ an application for temporary authority to engage in the regulated practice in Texas;

(B) a copy of military orders showing the military service member relocation to Texas;

(~~B~~C) ~~receipt of~~ if the applicant is a military spouse, a copy of the military spouse's military identification card and proof of residency in Texas, including a copy of the permanent change of station order for the military service member to whom the spouse is married, including a copy of the permanent change of station order for the military service member to whom the spouse is married marriage license; and

(~~C~~D) ~~verification that~~ a notarized affidavit affirming under penalty of perjury that the applicant is the person identified in the application, the military spouse applicant is certified, registered, or licensed in good standing in each jurisdiction where the applicant holds or has held certification, registration, or licensure; and the applicant understands the scope of practice for which the applicant seeks certification, registration, or licensure and will not exceed the scope of practice another jurisdiction, that has certification,

~~registration, or licensing requirements that are substantially equivalent to the Commission's requirements.~~

(2) If the application is incomplete or the Commission is unable to recognize the applicant's out-of-jurisdiction license because the agency does not issue a license similar in scope of practice to the applicant's license, the Commission must notify the applicant within 10 business days.

(23) A military service member or military spouse engaging temporarily in a regulated practice is entitled to all the rights and privileges and subject to all the obligations and responsibilities of a regulated person, and may be sanctioned or disciplined in the same manner as a regulated person.

(34) ~~Written authorization to engage~~A military service member or military spouse engaging temporarily in a regulated practice without certification, registration, or licensure ~~is valid~~may do so until the earliest of the following:

(A) the military service member or the military service member to whom the military spouse is married is no longer stationed at a military installation in Texas;

(B) ~~the end of~~three years after the date of application submittal under (1)(A), if the military spouse's marriage to the military service member ends; or

(C) the imposition of a disciplinary sanction;~~or,~~

~~(D) three years from the date of issuance of written confirmation.~~

(45) A military spouse cannot renew a temporary authorization but may obtain a certification, registration, or license from the Commission pursuant to these Rules.

TRD-202503126
Jaclyn Daumerie
Rules Attorney
Supreme Court of Texas
Filed: August 29, 2025

◆ ◆ ◆
Preliminary Approval of Amendments to Texas Rule of
Judicial Administration 12.5

Supreme Court of Texas

Misc. Docket No. 25-9062

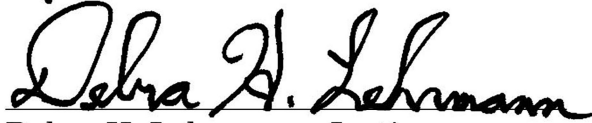
Preliminary Approval of Amendments to Texas Rule of Judicial Administration 12.5

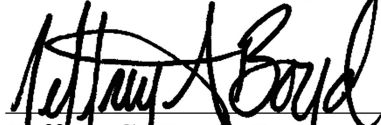
ORDERED that:

1. The Court invites public comments on proposed amendments to Texas Rule of Judicial Administration 12.5.
2. To effectuate the Act of May 27, 2025, 89th Leg., R.S., 676 (H.B. 5129), the amendments are effective September 1, 2025. But they may later be changed in response to public comments. The Court requests public comments be submitted in writing to rulescomments@txcourts.gov by February 1, 2026.
3. The Clerk is directed to:
 - a. file a copy of this Order with the Secretary of State;
 - b. cause a copy of this Order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
 - c. send a copy of this Order to the Governor, the Lieutenant Governor, and each elected member of the Legislature; and
 - d. submit a copy of this Order for publication in the *Texas Register*.

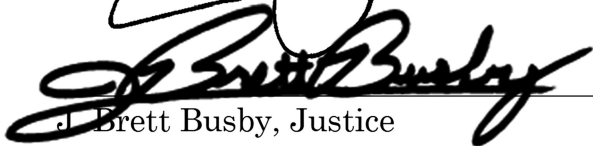
Dated: August 29, 2025.


James D. Blacklock, Chief Justice


Debra H. Lehrmann, Justice

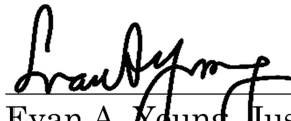

Jeffrey S. Boyd, Justice

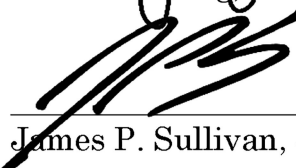

John P. Devine, Justice


J. Brett Busby, Justice


Jane N. Bland, Justice


Rebeca A. Huddle, Justice


Evan A. Young, Justice


James P. Sullivan, Justice

Rule 12. Public Access to Judicial Records

12.5 Exemptions from Disclosure. The following records are exempt from disclosure under this rule:

(d) ~~Home Address and Family Information~~ Personal Identifying Information. Any record reflecting any person's home address, home or personal telephone number, e-mail address, driver's license number, social security number, emergency contact information, or any information that reveals whether a person has family members.

(e) Applicants for Employment, ~~or~~ Volunteer Services, or Licensure. Any records relating to an applicant for employment, ~~or~~ volunteer services, or licensure.

TRD-202503141
Jaclyn Daumerie
Rules Attorney
Supreme Court of Texas
Filed: September 3, 2025



Preliminary Approval of Amendments to the Procedural Rules for the State Commission on Judicial Conduct, Now Titled the Disciplinary Rules for Judges and Judicial Candidates

(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 is not included in the print version of the Texas Register. The figure is available in the on-line version of the September 12, 2025, issue of the Texas Register.)

TRD-202503142
Jaclyn Daumerie
Rules Attorney
Supreme Court of Texas
Filed: September 3, 2025



Preliminary Approval of New Texas Rule of Appellate Procedure 31.8 (Joint Order, Court of Criminal Appeals Misc. Docket No. 25-007)

Supreme Court of Texas


Misc. Docket No. 25-9059

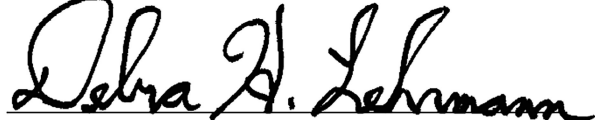
Preliminary Approval of New Texas Rule of Appellate Procedure 31.8

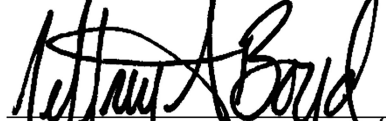
ORDERED that:


1. The Court invites public comments on proposed new Texas Rule of Appellate Procedure 31.8.
2. To effectuate the Act of May 29, 2025, 89th Leg., R.S., ch. 339 (S.B. 9), the new rule is effective September 1, 2025. But it may later be changed in response to public comments. The Court requests public comments be submitted in writing to rulescomments@txcourts.gov by December 1, 2025.
3. The Clerk is directed to:
 - a. file a copy of this Order with the Secretary of State;
 - b. cause a copy of this Order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
 - c. send a copy of this Order to the Governor, the Lieutenant Governor, and each elected member of the Legislature; and
 - d. submit a copy of this Order for publication in the *Texas Register*.


Dated: August 29, 2025.

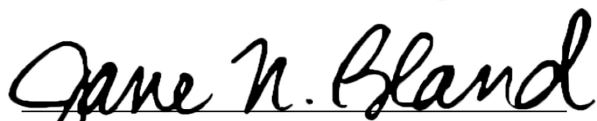

James D. Blacklock, Chief Justice


Debra H. Lehrmann, Justice


Jeffrey S. Boyd, Justice


John P. Devine, Justice


J. Brett Busby, Justice


Jane N. Bland, Justice


Rebeca A. Huddle, Justice


Evan A. Young, Justice


James P. Sullivan, Justice

TEXAS RULES OF APPELLATE PROCEDURE

Rule 31. Appeals in Habeas Corpus, Bail, and Extradition Proceedings in Criminal Cases

31.8. Expedited Appeal by the State of an Order Granting Bail

- (a) *Application.* This rule applies to an appeal by the State of a magistrate's order granting bail, in an amount considered insufficient by the prosecuting attorney, to a defendant who:
- (1) is charged with an offense under any of the following sections of the Penal Code:
 - (A) section 19.02 (murder);
 - (B) section 19.03 (capital murder);
 - (C) section 22.02 (aggravated assault) if;
 - (i) the offense was committed under section 22.02(a)(1); or
 - (ii) the defendant used a firearm, club, knife, or explosive weapon, as those terms are defined in section 46.01 of the Penal Code, during the commission of the assault;
 - (D) section 20.04 (aggravated kidnapping);
 - (E) section 29.03 (aggravated robbery);
 - (F) section 22.021 (aggravated sexual assault);
 - (G) section 21.11 (indecentcy with a child);
 - (H) section 20A.02 (trafficking of persons); or
 - (I) section 20A.03 (continuous trafficking of persons); or
 - (2) is charged with an offense punishable as a felony while the defendant was released on bail for an offense punishable as a felony at the time the instant offense was committed.

(b) *State's Notice of Appeal.*

- (1) Contents. The State's notice of appeal must comply with Code of Criminal Procedure Article 44.01 and expressly state that the appeal is an expedited appeal under Articles 44.01(a)(7), (f-1), and (f-2) and this rule.
- (2) Time and Where to File. Within 10 days after an order is signed granting bail in an amount considered insufficient by the prosecuting attorney, the State must file the notice of appeal with the district clerk.
- (3) Service of Notice and Rule. The State must immediately serve on the defendant the notice of appeal and a copy of this rule.

(c) *Appellate Record.*

- (1) State Duties. The State must file with its notice of appeal a bookmarked appendix containing a certified or sworn copy of:
 - (A) the order granting bail in an amount considered insufficient by the prosecuting attorney, bail findings, bail conditions, and any supervision order;
 - (B) any reporter's record from a bail hearing resulting in the order granting bail in an amount considered insufficient by the prosecuting attorney, including any exhibits; and
 - (C) every document that was filed with or presented to the magistrate making the bail decision, including as applicable:
 - (i) the charging documents;
 - (ii) the risk assessment;
 - (iii) the mental health assessment under Code of Criminal Procedure Article 16.22;
 - (iv) the arraignment forms;
 - (vi) the indigency affidavit;
 - (vii) the magistrate's orders for emergency protection or other protective orders in effect; and

- (viii) the pretrial supervision documents, including documents related to violations.
- (2) **Supplementation Permitted.** The defendant may supplement the State's record with a certified or sworn copy of any additional material filed with or presented to the magistrate that the State failed to provide.
- (d) *Reporter's Record.* The magistrate must ensure that any reporter's record from a bail hearing is prepared within 5 days of the State's requesting the record and arranging for payment.
- (e) *Further Bail Decisions.* While the appeal is pending, the State must immediately notify the court of appeals and supplement the record if any subsequent action has been taken on the bail order.
- (f) *Briefing on Appeal.*
 - (1) **Form and Length.** Briefs need not comply with Rule 38 and may be in the form of a motion or letter. A brief must not exceed 3,000 words.
 - (2) **No Extensions.** No extensions of time will be granted.
 - (3) **State's Brief.** The State's brief must include the identity of parties and counsel, specify the reasons it considers the bail amount insufficient, and be supported by citations to authorities and to the record. The State's brief must also include the State's requested relief on appeal, including the bail amount the prosecuting attorney considers sufficient. The State must file a brief within 5 days after filing the notice of appeal.
 - (4) **Defendant's Brief.** The defendant's brief, if any, should respond to the State's brief. The defendant's brief must be filed within 5 days after the State's brief is filed.
- (g) *Representation on Appeal.* The defendant's trial counsel, if any, is authorized to respond to the State's appeal.
- (h) *Order by the Court of Appeals.*
 - (1) **Review and Time.** The court of appeals must conduct a de novo review of all issues presented, expedite the appeal, and issue an order within 20 days after the date the appeal is filed.
 - (2) **Types of Orders.** The court of appeals may:

- (A) affirm the bail amount set by the magistrate;
- (B) modify the bail amount set by the magistrate; or
- (C) reject the bail amount set by the magistrate and remand the case to the magistrate, with or without guidance, for modification of the bail amount.

(3) Opinion Not Required. The court of appeals may hand down a written opinion but is not required to do so.

- (i) *Implementation of Modified Bail Amount.* If the court of appeals modifies the bail amount, the court of appeals must direct the magistrate to certify the bail form on the court of appeals' behalf, update any reporting systems, and submit any required forms by the relevant deadlines.

Comment to 2025 change: New Rule 31.8 is added to implement the amendments to Article 44.01 of the Code of Criminal Procedure.

TRD-202503144
Jaclyn Daumerie
Rules Attorney
Supreme Court of Texas
Filed: September 3, 2025

Repeal of Current Texas Rule of Evidence 412 and Adoption
of New Texas Rule of Evidence 412 (Joint Order, Court of
Criminal Appeals Misc. Docket No. 25-005)

◆ ◆ ◆

Supreme Court of Texas

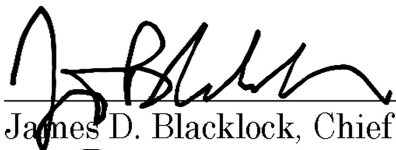
Misc. Docket No. 25-9064

Repeal of Current Texas Rule of Evidence 412 and Adoption of New Texas Rule of Evidence 412

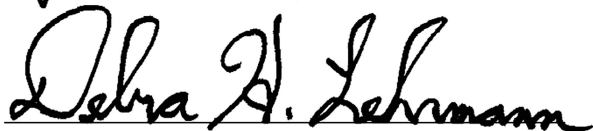
ORDERED that:

1. The Court invites public comments on the proposed repeal of current Texas Rule of Evidence 412 and the adoption of new Texas Rule of Evidence 412. New Rule 412 is demonstrated in clean form.
2. To effectuate the Act of May 24, 2025, 89th Leg., R.S., ch. 979 (S.B. 535), the repeal and adoption are effective September 1, 2025. Additional changes may be made in response to public comments. The Court requests public comments be submitted in writing to rulescomments@txcourts.gov by December 1, 2025.
3. New Rule 412 applies to the admissibility of evidence in a criminal proceeding commencing on or after September 1, 2025. For criminal proceedings commencing before September 1, 2025, the rule in effect on the date the proceeding commenced governs.
4. The Clerk is directed to:
 - a. file a copy of this Order with the Secretary of State;
 - b. cause a copy of this Order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
 - c. send a copy of this Order to the Governor, the Lieutenant Governor, and each elected member of the Legislature; and
 - d. submit a copy of this Order for publication in the *Texas Register*.

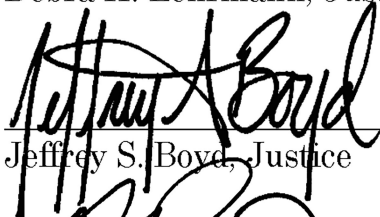
Dated: August 29, 2025.



James D. Blacklock, Chief Justice



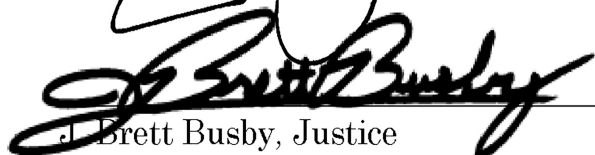
Debra H. Lehrmann, Justice



Jeffrey S. Boyd, Justice



John P. Devine, Justice



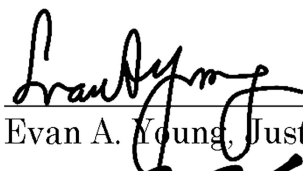
J. Brett Busby, Justice



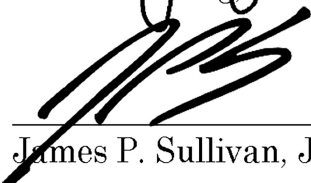
Jane N. Bland, Justice



Rebeca A. Huddle, Justice



Evan A. Young, Justice



James P. Sullivan, Justice

TEXAS RULES OF EVIDENCE

Rule 412. Evidence of Previous Sexual Conduct in Criminal Cases (New Rule; Clean Form)

- (a) **Definition of “Victim.”** In this rule, “victim” includes the alleged victim of an extraneous offense or act with respect to which evidence is introduced during the prosecution of an offense described in paragraph (b).
- (b) **Applicable Offenses.** This rule applies to a proceeding in the prosecution of a defendant for an offense, or for an attempt or conspiracy to commit an offense, under any of the following provisions of the Texas Penal Code:
- (1) Section 20A.02(a)(3), (4), (7), or (8) (Trafficking of Persons);
 - (2) Section 20A.03 (Continuous Trafficking of Persons), if the offense is based partly or wholly on conduct that constitutes an offense under Section 20A.02(a)(3), (4), (7), or (8);
 - (3) Section 21.02 (Continuous Sexual Abuse of Young Child or Disabled Individual);
 - (4) Section 21.11 (Indecency with a Child);
 - (5) Section 22.011 (Sexual Assault);
 - (6) Section 22.012 (Indecent Assault); or
 - (7) Section 22.021 (Aggravated Sexual Assault).
- (c) **Reputation or Opinion Evidence.** In the prosecution of an offense described in paragraph (b), reputation or opinion evidence of an alleged victim’s past sexual behavior is not admissible.
- (d) **Evidence of a Specific Instance of Past Sexual Behavior.**
- (1) ***In General.*** Except as provided in paragraph (2), in the prosecution of an offense described in paragraph (b), evidence of a specific instance of an alleged victim’s past sexual behavior is not admissible.
 - (2) ***Exceptions; Procedure for Offering Evidence.*** A defendant may not offer evidence of a specific instance of an alleged victim’s past sexual behavior unless the court:

- (A) on a motion by the defendant made outside the presence of the jury, conducts an in camera examination of the evidence in the presence of the court reporter; and
- (B) determines that the probative value of the evidence outweighs the danger of unfair prejudice to the alleged victim and that the evidence:
 - (i) is necessary to rebut or explain scientific or medical evidence offered by the attorney representing the state;
 - (ii) concerns past sexual behavior with the defendant and is offered by the defendant to prove consent, if the lack of consent is an element of the offense;
 - (iii) relates to the alleged victim's motive or bias;
 - (iv) is admissible under Rule 609; or
 - (v) is constitutionally required to be admitted.
- (e) **Record Sealed.** The court must seal the record of the in camera examination conducted under paragraph (d)(1) and preserve the examination record as part of the record in the case.

Notes and Comments

Comment to 2025 Change: Former Rule 412 is repealed and replaced with this rule to implement Senate Bill 535, enacted by the 89th Legislature, and article 38.872 of the Texas Code of Criminal Procedure.

TRD-202503127
Jaclyn Daumerie
Rules Attorney
Supreme Court of Texas
Filed: August 29, 2025

◆ ◆ ◆

How to Use the Texas Register

Information Available: The sections of the *Texas Register* represent various facets of state government. Documents contained within them include:

Governor - Appointments, executive orders, and proclamations.

Attorney General - summaries of requests for opinions, opinions, and open records decisions.

Texas Ethics Commission - summaries of requests for opinions and opinions.

Emergency Rules - sections adopted by state agencies on an emergency basis.

Proposed Rules - sections proposed for adoption.

Withdrawn Rules - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after the proposal publication date.

Adopted Rules - sections adopted following public comment period.

Texas Department of Insurance Exempt Filings - notices of actions taken by the Texas Department of Insurance pursuant to Chapter 5, Subchapter L of the Insurance Code.

Review of Agency Rules - notices of state agency rules review.

Tables and Graphics - graphic material from the proposed, emergency and adopted sections.

Transferred Rules - notice that the Legislature has transferred rules within the *Texas Administrative Code* from one state agency to another, or directed the Secretary of State to remove the rules of an abolished agency.

In Addition - miscellaneous information required to be published by statute or provided as a public service.

Specific explanation on the contents of each section can be found on the beginning page of the section. The division also publishes cumulative quarterly and annual indexes to aid in researching material published.

How to Cite: Material published in the *Texas Register* is referenced by citing the volume in which the document appears, the words “TexReg” and the beginning page number on which that document was published. For example, a document published on page 2402 of Volume 50 (2025) is cited as follows: 50 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2 in the lower-left hand corner of the page, would be written “50 TexReg 2 issue date,” while on the opposite page, page 3, in the lower right-hand corner, would be written “issue date 50 TexReg 3.”

How to Research: The public is invited to research rules and information of interest between 8 a.m. and 5 p.m. weekdays at the *Texas Register* office, James Earl Rudder Building, 1019 Brazos, Austin. Material can be found using *Texas Register* indexes, the *Texas Administrative Code* section numbers, or TRD number.

Both the *Texas Register* and the *Texas Administrative Code* are available online at: <https://www.sos.texas.gov>. The *Texas Register* is available in an .html version as well as a .pdf version through the internet. For website information, call the Texas Register at (512) 463-5561.

Texas Administrative Code

The *Texas Administrative Code (TAC)* is the compilation of all final state agency rules published in the *Texas Register*. Following its effective date, a rule is entered into the *Texas Administrative Code*. Emergency rules, which may be adopted by an agency on an interim basis, are not codified within the TAC.

The TAC volumes are arranged into Titles and Parts (using Arabic numerals). The Titles are broad subject categories into which the agencies are grouped as a matter of convenience. Each Part represents an individual state agency.

The complete TAC is available through the Secretary of State’s website at <http://www.sos.state.tx.us/tac>.

The Titles of the TAC, and their respective Title numbers are:

1. Administration
4. Agriculture
7. Banking and Securities
10. Community Development
13. Cultural Resources
16. Economic Regulation
19. Education
22. Examining Boards
25. Health Services
28. Insurance
30. Environmental Quality
31. Natural Resources and Conservation
34. Public Finance
37. Public Safety and Corrections
40. Social Services and Assistance
43. Transportation

How to Cite: Under the TAC scheme, each section is designated by a TAC number. For example in the citation 1 TAC §91.1: 1 indicates the title under which the agency appears in the *Texas Administrative Code*; TAC stands for the *Texas Administrative Code*; §91.1 is the section number of the rule (91 indicates that the section is under Chapter 91 of Title 1; 1 represents the individual section within the chapter).

How to Update: To find out if a rule has changed since the publication of the current supplement to the *Texas Administrative Code*, please look at the *Index of Rules*.

The *Index of Rules* is published cumulatively in the blue-cover quarterly indexes to the *Texas Register*.

If a rule has changed during the time period covered by the table, the rule’s TAC number will be printed with the *Texas Register* page number and a notation indicating the type of filing (emergency, proposed, withdrawn, or adopted) as shown in the following example.

TITLE 1. ADMINISTRATION

Part 4. Office of the Secretary of State

Chapter 91. Texas Register

1 TAC §91.1.....950 (P)

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