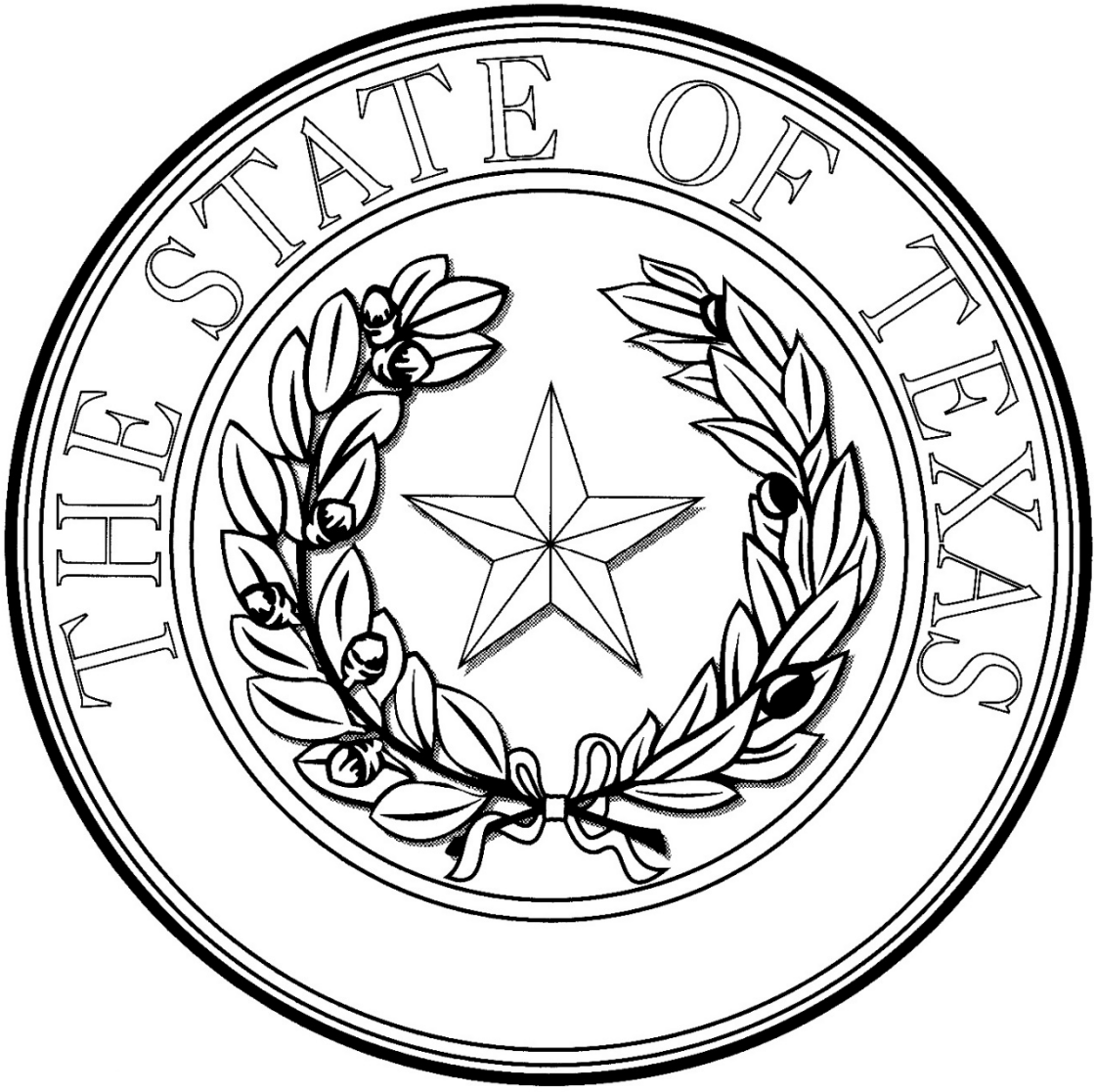
TEXAS REGISTER

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In This Issue

GOVERNOR

Appointments....7649

ATTORNEY GENERAL

Requests for Opinions....7651

PROPOSED RULES

TEXAS ETHICS COMMISSION

GENERAL RULES CONCERNING REPORTS

1 TAC §18.9, §18.13....7653

DISCLOSURE OF INTERESTED PARTIES

1 TAC §46.1, §46.5....7654

TEXAS RACING COMMISSION

GENERAL PROVISIONS

16 TAC §§303.7, 303.8, 303.16....7655

16 TAC §303.13....7657

16 TAC §§303.32, 303.34, 303.41....7658

16 TAC §§303.94 - 303.96....7660

PROCEEDINGS BEFORE THE COMMISSION

16 TAC §307.34....7661

16 TAC §307.101, §307.103....7662

RACETRACK LICENSES AND OPERATIONS

16 TAC §309.5....7664

16 TAC §309.53....7665

OFFICIALS AND RULES OF HORSE RACING

16 TAC §313.25....7666

PARI-MUTUEL WAGERING

16 TAC §321.101....7668

16 TAC §321.311, §321.315....7669

TEXAS EDUCATION AGENCY

CURRICULUM REQUIREMENTS

19 TAC §74.1035....7675

TEACHER RETIREMENT SYSTEM OF TEXAS

PURPOSE AND SCOPE

34 TAC §21.1....7677

MEMBERSHIP CREDIT

34 TAC §25.34....7679

34 TAC §25.66....7679

34 TAC §25.75....7679

34 TAC §25.82....7680

34 TAC §25.84, §25.86....7681

34 TAC §25.163....7681

TERMINATION OF MEMBERSHIP AND REFUNDS

34 TAC §27.8....7681

BENEFITS

34 TAC §29.63....7682

EMPLOYMENT AFTER RETIREMENT

34 TAC §31.2, §31.3....7684

34 TAC §§31.12, 31.13, 31.15, 31.18, 31.19....7685

34 TAC §31.16....7688

PROOF OF AGE

34 TAC §39.1....7688

CONTESTED CASES

34 TAC §§43.1 - 43.3, 43.5....7690

34 TAC §43.106....7691

34 TAC §§43.201 - 43.228....7692

QUALIFIED DOMESTIC RELATIONS ORDERS

34 TAC §47.16....7692

EMPLOYEES RETIREMENT SYSTEM OF TEXAS

SOCIAL SECURITY

34 TAC §79.3....7694

34 TAC §§79.4, 79.5, 79.7, 79.9, 79.11, 79.13, 79.15....7694

HEALTH SERVICES IN STATE OFFICE COMPLEXES

34 TAC §§82.1, 82.3, 82.5....7695

34 TAC §82.7, §82.9....7696

FLEXIBLE BENEFITS

34 TAC §85.1, §85.3....7696

TEXAS BOARD OF PARDONS AND PAROLES

PAROLE

37 TAC §145.16....7701

REVOCATION OF PAROLE OR MANDATORY SUPERVISION

37 TAC §§146.3, 146.5, 146.6, 146.8....7701

SEX OFFENDER CONDITIONS OF PAROLE OR MANDATORY SUPERVISION

37 TAC §§148.41 - 148.45, 148.48, 148.55....7702

37 TAC §148.51....7704

TEXAS COMMISSION ON FIRE PROTECTION

STANDARDS FOR CERTIFICATION

37 TAC §421.9....7704

FIRE INSPECTOR AND PLAN EXAMINER

37 TAC §429.203....7706

ADOPTED RULES

TEXAS EDUCATION AGENCY

CHARTERS

19 TAC §100.1021, §100.1025 7711

19 TAC §100.1035 7711

19 TAC §100.1095 7712

19 TAC §§100.1111, 100.1117, 100.1119, 100.1121 7712

19 TAC §100.1207, §100.1211 7715

STUDENT ATTENDANCE

19 TAC §129.1025 7715

TEXAS PARKS AND WILDLIFE DEPARTMENT

RESOURCE PROTECTION

31 TAC §§69.43 - 69.46, 69.48, 69.49, 69.52 7727

31 TAC §69.47 7731

TEXAS BOARD OF PARDONS AND PAROLES

GENERAL PROVISIONS

37 TAC §141.1, §141.3 7731

37 TAC §141.57 7732

37 TAC §141.60, §141.61 7733

37 TAC §141.111 7733

EXECUTIVE CLEMENCY

37 TAC §§143.1 - 143.10, 143.12 - 143.14 7733

37 TAC §§143.21 - 143.24 7734

37 TAC §§143.31, 143.32, 143.35 7734

37 TAC §143.33, §143.34 7735

37 TAC §§143.41 - 143.43 7735

37 TAC §§143.52, 143.53, 143.57 7735

37 TAC §143.71, §143.73 7737

37 TAC §143.82 7737

PAROLE

37 TAC §§145.1 - 145.3, 145.12, 145.13, 145.15, 145.17, 145.18, 145.20 7737

37 TAC §145.22 7740

MANDATORY SUPERVISION

37 TAC §149.16 7740

MEMORANDUM OF UNDERSTANDING AND BOARD POLICY STATEMENTS

37 TAC §150.55 7740

TEXAS COMMISSION ON FIRE PROTECTION

EXAMINATIONS FOR CERTIFICATION

37 TAC §439.1 7742

RULE REVIEW

Adopted Rule Reviews

Texas Health and Human Services Commission 7743

Texas Education Agency 7743

Department of State Health Services 7743

TABLES AND GRAPHICS

..... 7745

IN ADDITION

Coastal Bend Workforce Development Board

Request for Proposals for Website Design & Web Application Development (RFP No. 26-01) 7751

Texas Commission on Environmental Quality

Agreed Orders 7751

Enforcement Orders 7753

Notice of District Petition - D-09252026-036 7753

Notice of Opportunity to Comment on a Default Order of Administrative Enforcement Actions 7754

Update to the Water Quality Management Plan (WQMP) 7754

General Land Office

Notice and Opportunity to Comment on Requests for Consistency Agreement/Concurrence Under the Texas Coastal Management Program 7755

Texas Health and Human Services Commission

Notice of Public Hearing on Proposed Updates to Medicaid and Non-Medicaid Payment Rates 7756

Texas Department of Insurance

Company Licensing 7757

Texas Department of Licensing and Regulation

Scratch Ticket Game Number 2734 "500X" 7757

Middle Rio Grande Workforce Development Board

Public Notice Request for RFP Qualifications Proposal Financial Monitoring Services 7763

North Central Texas Council of Governments

Notice of Contract Award for Legacy ATS Feasibility and Conceptual Engineering Study Request for Proposals 7764

Request for Proposals Bikeways to Trinity Railway Express Rail Stations Study 7764

Texas Workforce Commission

Request for Comment Regarding the Management Fee Rate Charged by WorkQuest, Inc. 7764

THE GOVERNOR

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

Appointments

Appointments for October 22, 2026

Appointed to the Texas State Board of Social Worker Examiners for a term to expire February 1, 2027, Andranik Adams of DeSoto, Texas (replacing Brian C. Brumley of Sumner who resigned).

Appointments for October 27, 2026

Appointed to the State Securities Board for a term to expire January 20, 2031, Glenn W. MacTaggart of San Antonio, Texas (replacing Eugene Wallace "Wally" Kinney of Comfort whose term expired).

Appointed as the presiding officer to the State Securities Board for a term to expire at the pleasure of the Governor, Glenn W. MacTaggart of San Antonio, Texas (replacing Eugene Wallace "Wally" Kinney of Comfort).

Appointed to the State Securities Board for a term to expire January 20, 2031, Paula Ann Miller of The Woodlands, Texas (replacing Mary "Melissa" Tyroch of Belton whose term expired).

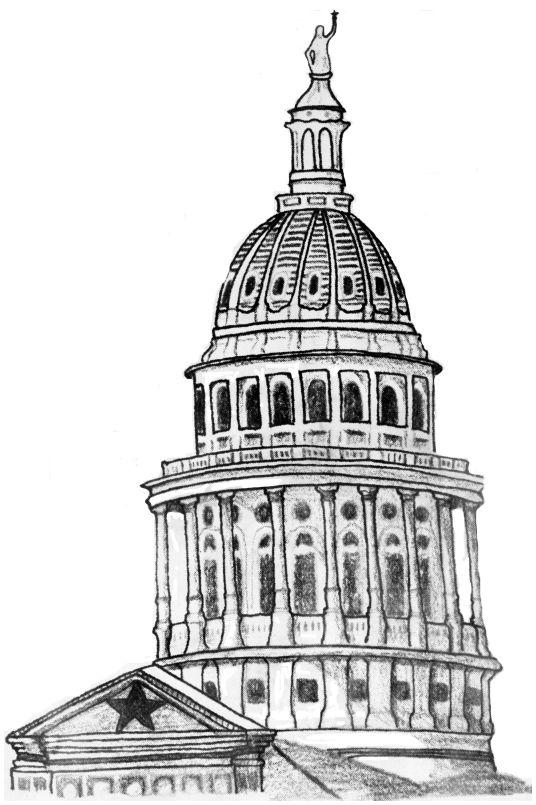
Appointments for October 28, 2026

Appointed to the Texas Woman's University Board of Regents for a term to expire February 1, 2029, Reinke Radler of Fort Worth, Texas (replacing Jill E. Jester of Denton who resigned).

Greg Abbott, Governor

TRD-202604551

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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-0662-KP

Requestor:

The Honorable Shane Deel

Callahan County Attorney

Post Office Box 1196

Baird, Texas 76504

Re: Whether Election Code § 85.062(f) permits a commissioners court to authorize a single branch polling place for early voting in a precinct outside the main polling place when all other precincts have no polling locations (RQ-0662-KP)

Briefs requested by November 23, 2026

RQ-0663-KP

Requestor:

The Honorable Sid Miller

Commissioner

Texas Department of Agriculture

Post Office Box 12847

Austin, Texas 78711

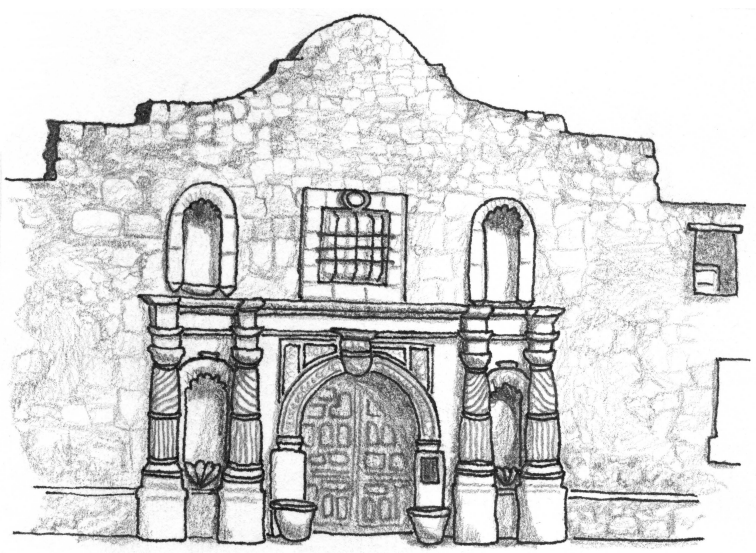
Re: How existing Texas law applies to the use of digital assets, distributed-ledger technology, and tokenization by state and local governmental entities (RQ-0663-KP)

Briefs requested by November 23, 2026

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

TRD-202604537
Justin Gordon
General Counsel
Office of the Attorney General
Filed: October 27, 2026

♦ ♦ ♦



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

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

TITLE 1. ADMINISTRATION

PART 2. TEXAS ETHICS COMMISSION

CHAPTER 18. GENERAL RULES CONCERNING REPORTS

1 TAC §18.9, §18.13

The Texas Ethics Commission (the Commission) proposes amendments to Texas Ethics Commission Rules in Chapter 18 (relating to General Rules Concerning Reports). Specifically, the Commission proposes amendments to §18.9 regarding Corrected/Amended Reports and §18.13 regarding Fine for a Late Report.

The Commission completed its comprehensive rule review of Chapter 18 in 2025. During that review, the change in §18.9 updates an internal rules citation to be accurate and the change in §18.13 removes an incorrect citation to statute.

Amanda Arriaga, General Counsel, has determined that for the first five-year period the proposed amended rules are in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the proposed amended rules.

The General Counsel has also determined that for each year of the first five years the proposed amended rules are in effect, the public benefit will be consistency and clarity in the Commission's rules regarding reporting requirements. There will not be an effect on small businesses, microbusinesses or rural communities. There is no anticipated economic cost to persons who are required to comply with the proposed amended rules.

The General Counsel has determined that during the first five years that the proposed amended rules are in effect, they will not: create or eliminate a government program; require the creation of new employee positions or the elimination of existing employee positions; require an increase in future legislative appropriations to the agency; require an increase or decrease in fees paid to the agency; expand, limit, or repeal an existing regulation; create a new regulation; increase or decrease the number of individuals subject to the rules' applicability; or positively or adversely affect this state's economy.

The Commission invites comments on the proposed amended rules from any member of the public. A written statement should be emailed to public_comment@ethics.state.tx.us, or mailed or delivered to James Tinley, Executive Director, Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711-2070. A person who wants to offer spoken comments to the Commission concerning the proposed amended rules may do so at any Commission meeting during the agenda item relating to the proposed amended rules. Information concerning the date, time, and location of Commission meetings is available by telephoning (512) 463-5800 or on the Commission's website at www.ethics.state.tx.us.

The amended rules are proposed under Texas Government Code §571.062, which authorizes the Commission to adopt rules to administer Title 15 of the Election Code and Chapter 571 of the Government Code.

The proposed amended rules affect Title 15 of the Election Code and Chapter 571 of the Government Code.

§18.9. Corrected/Amended Reports.

(a) A filer may correct/amend a report filed with the commission or a local filing authority at any time.

(b) A corrected/amended report must clearly identify how the corrected/amended report is different from the report being corrected/amended.

(c) A filer who files a corrected/amended report must submit an affidavit identifying the information that was corrected/amended.

(d) A corrected/amended report filed with the commission after the original report is due is subject to a late fine as provided by §18.13 of this title (relating to Fine for a Late Report).

(e) Subsection (d) does not apply to:

(1) a lobby registration or report, other than an activities report, that is corrected/amended not later than the 14th business day after the date the filer became aware of the errors or omissions in the original registration or report;

(2) a semiannual report that is corrected/amended before the eighth day after the original report was filed;

(3) a semiannual report that is corrected/amended on or after the eighth day after the original report was filed if:

(A) the correction/amendment is made before a sworn complaint is filed with regard to the subject of the correction/amendment; and

(B) the original report was made in good faith and without an intent to mislead or misrepresent the information contained in the report;

(4) an 8-day Pre-election [~~pre-election~~] report that is corrected/amended in accordance with §18.10 of this title (relating to Guidelines for Substantial Compliance for a Corrected/Amended 8-day Pre-election report [~~Report~~]);

(5) a report other than an 8-day Pre-election [~~pre-election~~] report that is corrected/amended not later than the 14th business day after the date the filer learns the report as originally filed is inaccurate or incomplete if:

(A) the errors or omissions were made in good faith; and

(B) the filer files an affidavit stating that the errors or omissions in the original report were made in good faith.

(f) In this section, "8-day Pre-election [~~pre-election~~] report" has the same meaning assigned by §18.10(d)[~~(c)~~] of this title.

(g) Except as provided by subsections (b) and (c) of this section, this section does not apply to a civil penalty assessed through the sworn complaint or facial compliance review process.

§18.13. Fine for a Late Report.

(a) Except as provided by subsection (b) or (c) of this section, the fine is $500 for:

(1) a late report required to be filed with the commission under Election Code chapter 254 or 257, Government Code chapter 305, or Government Code chapter 572; or

(2) a late report filed with the commission under Local Government Code chapter 159, subchapter C.

(b) The fine for a report due eight days before an election is $500 for the first day the report is late and $100 for each day thereafter that the report is late, up to a maximum fine of $10,000.

(c) The fine for the first semiannual report under Section 254.063[~~, 254.123,~~] or 254.153, Election Code, that is required to be filed by a candidate or political committee following the primary or general election is $500 for the first day the report is late and $100 for each day thereafter that the report is late, up to a maximum fine of $10,000.

(d) A fine assessed under this chapter is in addition to any other sanction assessed under other law.

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 October 19, 2026.

TRD-202604434
Amanda Arriaga
General Counsel
Texas Ethics Commission
Earliest possible date of adoption: December 6, 2026
For further information, please call: (512) 463-5800

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CHAPTER 46. DISCLOSURE OF INTERESTED PARTIES

1 TAC §46.1, §46.5

The Texas Ethics Commission (the Commission) proposes amendments in Texas Ethics Commission Rules in Chapter 46 (relating to Disclosure of Interested Parties). Specifically, the Commission proposes amendments to §46.1 regarding Definitions and §46.5 regarding Disclosure of Interested Parties Form.

This proposal amends the rules regarding the disclosure of interested parties for certain contracts between governmental entities and business entities.

Amanda Arriaga, General Counsel, has determined that for the first five-year period the proposed amended rules are in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the proposed amended rules.

The General Counsel has also determined that for each year of the first five years the proposed amended rules are in effect, the public benefit will be consistency and clarity in the Commission's rules regarding disclosure of interested parties. There will not be an effect on small businesses, microbusinesses or rural communities. There is no anticipated economic cost to persons who are required to comply with the proposed amended rules.

The General Counsel has determined that during the first five years that the proposed amended rules are in effect, they will not: create or eliminate a government program; require the creation of new employee positions or the elimination of existing employee positions; require an increase in future legislative appropriations to the agency; require an increase or decrease in fees paid to the agency; expand, limit, or repeal an existing regulation; create a new regulation; increase or decrease the number of individuals subject to the rules' applicability; or positively or adversely affect this state's economy.

The Commission invites comments on the proposed amended rules from any member of the public. A written statement should be emailed to public_comment@ethics.state.tx.us, or mailed or delivered to James Tinley, Executive Director, Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711-2070. A person who wants to offer spoken comments to the Commission concerning the proposed amended rules may do so at any Commission meeting during the agenda item relating to the proposed amended rules. Information concerning the date, time, and location of Commission meetings is available by telephoning (512) 463-5800 or on the Commission's website at www.ethics.state.tx.us.

The amended rules are proposed under Texas Government Code §571.062, which authorizes the Commission to adopt rules to administer Title 15 of the Election Code and Chapter 571 of the Government Code.

The proposed amended rules affect Section 2252.908 of the Government Code.

§46.1. Application.

(a) This chapter applies to §2252.908 of the Government Code.

[~~(b) Section 2252.908 of the Government Code applies only to a contract of a governmental entity or state agency entered into after December 31, 2015, that meets either of the following conditions:~~]

[~~(1) the contract requires an action or vote by the governing body of the entity or agency; or~~]

[~~(2) The value of the contract is at least $1 million.~~]

(b) [~~(c)~~] A contract does not require an action or vote by the governing body of a governmental entity or state agency if:

(1) The governing body has legal authority to delegate to its staff the authority to execute the contract;

(2) The governing body has delegated to its staff the authority to execute the contract; and

(3) The governing body does not participate in the selection of the business entity with which the contract is entered into.

§46.5. Disclosure of Interested Parties Form.

(a) A disclosure of interested parties form required by §2252.908 of the Government Code must be filed on an electronic form prescribed by the Commission. [~~commission that contains the following:~~]

[~~(1) The name of the business entity filing the form and the city, state, and country of the business entity's place of business;~~]

[~~(2) The name of the governmental entity or state agency that is a party to the contract for which the form is being filed;~~]

[~~(3) The name of each interested party and the city, state, and country of the place of business of each interested party;~~]

[~~(4) The identification number used by the governmental entity or state agency to track or identify the contract for which the form is being filed and a short description of the services, goods, or other property used by the governmental entity or state agency provided under the contract; and~~]

[~~(5) An indication of whether each interested party has a controlling interest in the business entity, is an intermediary in the contract for which the disclosure is being filed, or both.~~]

(b) The certification of filing and the completed disclosure of interested parties form generated by the Commission's [~~commission~~] electronic filing application must be printed, signed by an authorized agent of the contracting business entity, and submitted to the governmental entity or state agency that is the party to the contract for which the form is being filed.

(c) A governmental entity or state agency that receives a completed disclosure of interested parties form and certification of filing shall notify the Commission [~~commission~~], in an electronic format prescribed by the Commission [~~commission~~], of the receipt of those documents not later than the 30th day after the date the governmental entity or state agency receives the disclosure.

(d) The Commission [~~commission~~] shall make each disclosure of interested parties form filed with the Commission [~~commission~~] under §2252.908(f) of the Government Code available to the public on the Commission's [~~commission~~] Internet website not later than the seventh business day after the date the Commission [~~commission~~] receives the notice required under subsection (c) of this section.

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

Filed with the Office of the Secretary of State on October 19, 2026.

TRD-202604437
Amanda Arriaga
General Counsel
Texas Ethics Commission
Earliest possible date of adoption: December 6, 2026
For further information, please call: (512) 463-5800

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TITLE 16. ECONOMIC REGULATION

PART 8. TEXAS RACING COMMISSION

CHAPTER 303. GENERAL PROVISIONS

SUBCHAPTER A. ORGANIZATION OF THE COMMISSION

16 TAC §§303.7, 303.8, 303.16

The Texas Racing Commission (Commission) proposes to amend 16 TAC §303.7, concerning Employees; §303.8, concerning Executive Secretary; and §303.16, concerning Historically Underutilized Businesses.

Background and Justification

The proposed amendments to §§303.7, 303.8, and 303.16 are part of the Commission's regulatory efficiency review of its rules in 16 TAC Part 8.

The amendment to §303.7 replaces duplicative subsections with a statutory cross-reference and updates references from "executive secretary" to "executive director."

The amendment to §303.8 renames the Executive Secretary position as the Executive Director, condenses subsection (c), and updates all related references.

The amendment to §303.16 updates the citation to the current version of the Comptroller's rules regarding historically underutilized businesses.

Summary of Proposal

The proposed amendments modernize the rules, remove obsolete language, clarify existing Commission procedures, and update citations without creating a new regulatory program.

Fiscal Note

David Holmes, Executive Director, has determined that, for each year of the first five years the amendments will be in effect, there will be no additional estimated cost to state or local government and no estimated loss or increase in revenue to state or local government as a result of enforcing or administering the amendments. The amendments are not expected to create a measurable fiscal effect because they update citations, terminology, document-availability language, or obsolete language.

Public Benefit and Economic Cost

David Holmes, Executive Director, has determined that, for each year of the first five years the proposed amendments will be in effect, the public benefit anticipated as a result of the proposed amendments will be greater clarity, easier public access to current rule requirements, and a more accurate and efficient body of Commission rules. David Holmes has also determined that, for each year of the first five years the proposed amendments will be in effect, there will be no probable economic cost to persons required to comply with the proposed rules because the proposals do not impose new fees, reporting requirements, or substantive compliance obligations.

Small Business, Micro-Business, and Rural Community Impact

The Commission has determined that the proposed amendments will not have an adverse economic effect on small businesses, micro-businesses, or rural communities because the proposals do not impose new costs, new reporting obligations, or new operational requirements. The proposals therefore do not require preparation of a regulatory flexibility analysis.

Local Employment Impact

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

Government Growth Impact Statement

For each year of the first five years that the proposed amendments will be in effect, the Commission has determined that the proposals: (1) will not create or eliminate a government program; (2) will not require the creation or elimination of employee positions; (3) will not require an increase or decrease in future legislative appropriations to the Commission; (4) will not require an increase or decrease in fees paid to the Commission; (5) will not create a new regulation; (6) will not expand, limit, or repeal an existing regulation except by streamlining, clarifying, or updating the affected rules; (7) will not increase or decrease the number of individuals subject to the rules' applicability; and (8) will not positively or adversely affect this state's economy.

Takings Impact Assessment

The Commission has determined that the proposed amendments do not affect private real property in a manner that would require a takings impact assessment under Government Code, Chapter 2007.

Public Comment

Written comments on the proposals may be submitted to David Holmes, Executive Director, Texas Racing Commission, by email to rulecomments@txrc.texas.gov. The Commission requests comments on the proposed rules from any interested person and also requests information related to the cost, benefit, or effect of the proposed rules, including any applicable data, research, or analysis. Comments must be received no later than 30 days after publication of the proposals in the *Texas Register*.

Statutory Authority for §303.7 - Employees

The amendment is proposed under Texas Occupations Code, §§2022.051, 2022.052, and 2023.004. Section 2023.004 authorizes the Commission to adopt rules for conducting horse racing or greyhound racing in this state that involves wagering and rules for administering the Texas Racing Act in a manner consistent with the Act.

Cross-Reference to Statutes Implemented or Affected

The proposed amendment implements, interprets, or affects Texas Occupations Code, §§2022.051 and 2022.052.

Statutory Authority for §303.8 - Executive Secretary

The amendment is proposed under Texas Occupations Code, §§2022.051, 2022.056, and 2023.004. Section 2023.004 authorizes the Commission to adopt rules for conducting horse racing or greyhound racing in this state that involves wagering and rules for administering the Texas Racing Act in a manner consistent with the Act.

Cross-Reference to Statutes Implemented or Affected

The proposed amendment implements, interprets, or affects Texas Occupations Code, §§2022.051 and 2022.056.

Statutory Authority for §303.16 - Historically Underutilized Businesses

The amendment is proposed under Texas Occupations Code, §2023.004, and Texas Government Code, Chapter 2161. Section 2023.004 authorizes the Commission to adopt rules for conducting horse racing or greyhound racing in this state that involves wagering and rules for administering the Texas Racing Act in a manner consistent with the Act.

Cross-Reference to Statutes Implemented or Affected

The proposed amendment implements, interprets, or affects Texas Government Code, Chapter 2161.

§303.7. Employees.

(a) The commission shall employ an executive director [~~secretary~~] who shall employ other employees necessary to implement, administer, and enforce the Act.

(b) Employment restrictions. The commission and the executive director are subject to the employment restrictions set forth in Tex. Occ. Code Section 2022.052.

[~~(b) The commission and the executive secretary may not employ or continue to employ a person:~~]

[~~(1) who owns or controls a financial interest in a licensee of the commission;~~]

[~~(2) who is employed by or serves as a paid consultant to a licensee of the commission, an official breed registry, or a Texas trade association, as defined by the Act,§2.071(c), in the field of horse or greyhound racing or breeding;~~]

[~~(3) who owns or leases a race animal that participates in pari-mutuel racing in this state; or~~]

[~~(4) who accepts or is entitled to a part of the purse or Texas-bred incentive award to be paid on a greyhound or a horse in a race held in this state.~~]

[~~(c) The commission and the executive secretary may not employ or continue to employ a person who is residentially domiciled with or related within the first degree by affinity or consanguinity to a person who is ineligible for employment under subsection (b) of this section.~~]

(c) [~~(d)~~] The commission shall employ the executive director [~~secretary~~] and other employees in a manner that reflects the diversity of the population in this state with regard to race, color, creed, handicap, sex, religion, age, and national origin.

§303.8. Executive Director [~~Secretary~~].

(a) The executive director [~~secretary~~] serves at the pleasure of the commission on a full-time basis and may not hold other employment. The executive director [~~secretary~~] shall administer the programs of the agency and has all powers necessary for such administration, as well as any specific duties assigned or functions delegated by the commission.

(b) The executive director [~~secretary~~] shall maintain the records of the commission and ensure the agency's compliance with the open records and records retention laws.

(c) The executive director [~~secretary~~] shall establish the organizational structure of the agency, [~~agency's employees, including the establishment of various divisions within the agency. The executive secretary shall~~] prescribe [~~the~~] employee duties and compensation [~~for all other commission employees,~~] subject to Commission budget [~~the commission's~~] approval, and [~~of the budget. The executive secretary shall~~] adopt personnel policies, [~~and other~~] internal operating policies and procedures, and [~~The executive secretary shall develop the~~] departmental budgets [~~to allocate expenditures within the agency based on the approved agency operating budget~~].

(d) The executive director [~~secretary~~] shall prepare and file all agency reports required by law that are retrospective in nature, such as the annual financial report and periodic reports on performance measures.

(e) The executive director [~~secretary~~] shall enforce the Act, the rules, and the orders of the commission, including determining the method of enforcement, the amount of penalties, the issuance of preliminary reports for administrative penalties, and the development of enforcement guidelines for use by the stewards and racing judges.

(f) The executive director [~~secretary~~] shall issue occupational licenses and training facility licenses in accordance with the criteria established in the Act and the rules. The executive director [~~secretary~~] shall review all applications for racetrack licenses and licenses to conduct race meetings and make a report to the commission regarding the issuance of such licenses.

(g) Except as otherwise provided by a rule of the commission, if the commission places a duty on the executive director [~~secretary~~], by rule or otherwise, the executive director [~~secretary~~] may delegate that duty to another employee of the commission.

§303.16. Historically Underutilized Businesses.

Pursuant to Government Code, §2161.003, the Commission adopts by reference the provisions of 34 TAC Chapter 20, Subchapter D, as amended from time to time. [~~§20.11 et seq.~~]

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

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David Holmes
Executive Director
Texas Racing Commission
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For further information, please call: (512) 833-6699

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16 TAC §303.13

The Texas Racing Commission (Commission) proposes the repeal of 16 TAC §303.13, concerning Seal of the Commission.

Background and Justification

The proposed repeal removes a rule that is no longer needed. The rule describes the form of the Commission seal, but the Commission does not need a separate codified rule for that administrative description.

Summary of Proposal

The proposed repeal removes §303.13 in its entirety.

Fiscal Note

David Holmes, Executive Director, has determined that, for each year of the first five years the repeal will be in effect, there will be no additional estimated cost to state or local government and no estimated loss or increase in revenue to state or local government as a result of enforcing or administering the repeal. The repeal may reduce administrative burden by removing an obsolete or unnecessary rule, but any governmental savings cannot be reliably quantified from the information available to the Commission.

Public Benefit and Economic Cost

David Holmes, Executive Director, has determined that, for each year of the first five years the proposed repeal will be in effect, the public benefit anticipated as a result of the proposed repeal will be a more accurate and efficient body of Commission rules by removing an obsolete administrative provision. David Holmes has also determined that, for each year of the first five years the proposed repeal will be in effect, there will be no probable economic cost to persons required to comply with the repeal because the repeal removes an existing rule and does not impose a new fee, reporting requirement, or substantive compliance obligation.

Small Business, Micro-Business, and Rural Community Impact

The Commission has determined that the proposed repeal will not have an adverse economic effect on small businesses, micro-businesses, or rural communities because the repeal does not impose new costs, new reporting obligations, or new operational requirements. The proposed repeal therefore does not require preparation of a regulatory flexibility analysis.

Local Employment Impact

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

Government Growth Impact Statement

For each year of the first five years that the proposed repeal will be in effect, the Commission has determined that the proposal: (1) will not create or eliminate a government program; (2) will not require the creation or elimination of employee positions; (3) will not require an increase or decrease in future legislative appropriations to the Commission; (4) will not require an increase or decrease in fees paid to the Commission; (5) will not create a new regulation; (6) will repeal an existing regulation that is no longer necessary and will not otherwise expand or limit an existing regulation; (7) will not increase the number of individuals subject to the rule's applicability; and (8) will not positively or adversely affect this state's economy.

Takings Impact Assessment

The Commission has determined that the proposed repeal does not affect private real property in a manner that would require a takings impact assessment under Government Code, Chapter 2007.

Public Comment

Written comments on the proposal may be submitted to David Holmes, Executive Director, Texas Racing Commission, by email to rulecomments@txrc.texas.gov. The Commission requests comments on the proposed repeal from any interested person and also requests information related to the cost, benefit, or effect of the proposed repeal, including any applicable data, research, or analysis. Comments must be received no later than 30 days after publication of the proposal in the *Texas Register*.

Statutory Authority

The repeal is proposed under Texas Occupations Code, §2023.001 and §2023.004. Section 2023.001 authorizes the Commission to license and regulate all aspects of horse racing and greyhound racing in this state, and §2023.004 authorizes the Commission to adopt rules for conducting racing involving wagering and for administering the Texas Racing Act in a manner consistent with the Act.

Cross-Reference to Statutes Implemented or Affected

The proposed repeal implements, interprets, or affects Texas Occupations Code, Chapter 2023.

§303.13. Seal of the Commission.

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

Filed with the Office of the Secretary of State on October 22, 2026.

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David Holmes
Executive Director
Texas Racing Commission
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For further information, please call: (512) 833-6699

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SUBCHAPTER B. POWERS AND DUTIES OF THE COMMISSION

16 TAC §§303.32, 303.34, 303.41

The Texas Racing Commission (Commission) proposes to amend 16 TAC §303.32, concerning Power of Entry; §303.34, concerning Certified Documents; and §303.41, concerning Allocation of Race Dates.

Background and Justification

The proposed amendments to §§303.32, 303.34, and 303.41 are part of the Commission's regulatory efficiency review of its rules in 16 TAC Part 8.

The amendment to §303.32 replaces regulatory text with a statutory cross-reference to Tex. Occ. Code §2023.007.

The amendment to §303.34 replaces regulatory text with a statutory cross-reference to Tex. Occ. Code §2023.060.

The amendment to §303.41 removes obsolete greyhound-racing terminology or requirements, reduces the notice period from 30 to 15 days, adds electronic submission language, and updates references from "executive secretary" to "executive director."

Summary of Proposal

The proposed amendments update statutory citations and cross-references, remove obsolete greyhound-racing terminology, update terminology, and make conforming or clarifying changes so the rules reflect the current codification of the Texas Racing Act and related law.

Fiscal Note

David Holmes, Executive Director, has determined that, for each year of the first five years the amendments will be in effect, there will be no additional estimated cost to state or local government and no estimated loss or increase in revenue to state or local government as a result of enforcing or administering the amendments. The amendments are not expected to create a measurable fiscal effect because they update citations, terminology, document-availability language, or obsolete language.

Public Benefit and Economic Cost

David Holmes, Executive Director, has determined that, for each year of the first five years the proposed amendments will be in effect, the public benefit anticipated as a result of the proposed amendments will be greater clarity, easier public access to current rule requirements, and a more accurate and efficient body of Commission rules. David Holmes has also determined that, for each year of the first five years the proposed amendments will be in effect, there will be no probable economic cost to persons required to comply with the proposed rules because the proposals do not impose new fees, reporting requirements, or substantive compliance obligations.

Small Business, Micro-Business, and Rural Community Impact

The Commission has determined that the proposed amendments will not have an adverse economic effect on small businesses, micro-businesses, or rural communities because the proposals do not impose new costs, new reporting obligations, or new operational requirements. The proposals therefore do not require preparation of a regulatory flexibility analysis.

Local Employment Impact

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

Government Growth Impact Statement

For each year of the first five years that the proposed amendments will be in effect, the Commission has determined that the proposals: (1) will not create or eliminate a government program; (2) will not require the creation or elimination of employee positions; (3) will not require an increase or decrease in future legislative appropriations to the Commission; (4) will not require an increase or decrease in fees paid to the Commission; (5) will not create a new regulation; (6) will not expand, limit, or repeal an existing regulation except by streamlining, clarifying, or updating the affected rules; (7) will not increase or decrease the number of individuals subject to the rules' applicability; and (8) will not positively or adversely affect this state's economy.

Takings Impact Assessment

The Commission has determined that the proposed amendments do not affect private real property in a manner that would require a takings impact assessment under Government Code, Chapter 2007.

Public Comment

Written comments on the proposals may be submitted to David Holmes, Executive Director, Texas Racing Commission, by email to rulecomments@txrc.texas.gov. The Commission requests comments on the proposed rules from any interested person and also requests information related to the cost, benefit, or effect of the proposed rules, including any applicable data, research, or analysis. Comments must be received no later than 30 days after publication of the proposals in the *Texas Register*.

Statutory Authority for §303.32 - Power of Entry

The amendment is proposed under Texas Occupations Code, §§2023.004 and 2023.007. Section 2023.004 authorizes the Commission to adopt rules for conducting horse racing or greyhound racing in this state that involves wagering and rules for administering the Texas Racing Act in a manner consistent with the Act.

Cross-Reference to Statutes Implemented or Affected

The proposed amendment implements Texas Occupations Code, §2023.007.

Statutory Authority for §303.34 - Certified Documents

The amendment is proposed under Texas Occupations Code, §§2023.004 and 2023.060. Section 2023.004 authorizes the Commission to adopt rules for conducting horse racing or greyhound racing in this state that involves wagering and rules for administering the Texas Racing Act in a manner consistent with the Act.

Cross-Reference to Statutes Implemented or Affected

The proposed amendment implements Texas Occupations Code, §2023.060.

Statutory Authority for §303.41 - Allocation of Race Dates

The amendment is proposed under Texas Occupations Code, §§2023.004, 2029.001, 2029.002, and 2029.003. Section 2023.004 authorizes the Commission to adopt rules for conducting horse racing or greyhound racing in this state that involves wagering and rules for administering the Texas Racing Act in a manner consistent with the Act.

Cross-Reference to Statutes Implemented or Affected

The proposed amendment implements, interprets, or affects Texas Occupations Code, Chapter 2029.

§303.32. Power of Entry.

(a) The power of entry for commission members, authorized agents, stewards, judges, and law enforcement officers is as provided in Tex. Occ. Code Section 2023.007. [~~A member or authorized agent of the commission, a steward or judge, a commissioned officer of the Department of Public Safety who is assigned to work on racing investigations, or a peace officer of the local jurisdiction in which the association maintains a place of business may enter an office, a racetrack, any area on association grounds, or any similar area or other place of business of an association at any time to enforce or administer the Act or commission rules.~~]

(b) An association or an officer, employee, or agent of an association may not refuse or deny a request to enter under this section and may not hinder a person who is conducting an investigation under or attempting to enforce or administer the Act or commission rules.

§303.34. Certified Documents.

The commission may require certification of documents as provided in Tex. Occ. Code Section 2023.060. [~~a document required to be filed with the commission to be certified under penalty of perjury.~~]

§303.41. Allocation of Race Dates.

(a) The commission shall allocate live race dates, including charity days, to each association for such time periods and at such racing locations as the commission determines in accordance with the Act and this section.

(b) Upon its own motion or upon the request of any association, the commission may designate an application period during which the commission shall accept applications for race dates.

(c) The commission shall establish the time period or periods for which it will consider granting race dates.

(d) Upon designation by the commission of an application period under this section, the executive director [~~secretary~~] shall publicize that application period to the affected [~~greyhound and~~] horse racing associations at least 15 [~~30~~] days before the closing date of the period.

(e) The application must be on a form prescribed by the commission. After the request is filed, the executive director [~~secretary~~] may require the association to submit additional information if the executive director [~~secretary~~] determines the additional information is necessary to effectively evaluate the request. Applications and supporting documents under this section may be submitted electronically in a manner prescribed by the Commission.

(f) In allocating race dates under this section, the commission may consider the following factors and the degree to which the association's proposed race meeting will serve to nurture, promote, develop, or improve the horse [~~or greyhound~~] industry in Texas:

(1) the association's current ability to pay all fees and other amounts owed to the commission, to the state, and to local governments;

(2) the association's willingness and ability to comply and past performance in complying with the Rules and the Act;

(3) the current condition of the association's racetrack and facilities for patrons, horses, [~~race animals,~~] and occupational licensees;

(4) the anticipated effect of the proposed race meeting on the continuity of racing during the year;

(5) the live race dates requested by other associations licensed to conduct races for the same species of animal;

(6) the anticipated overall economic effect to the state from the race meeting;

(7) the anticipated effect of the race meeting on the [~~greyhound or~~] horse breeding industry in Texas;

(8) the anticipated effect of scheduled race meetings in neighboring race states on the proposed race meeting; and

(9) the anticipated availability of horses [~~race animals~~] for the race meetings.

(g) The commission shall approve the actual days awarded, and the total number of performances. The commission may require a minimum number of races in a race meet.

(h) An association shall conduct pari-mutuel racing on each race date granted under this section, and in accordance with the race date calendar approved by the Commission, unless the association receives the prior approval of the executive director [~~secretary~~].

(i) If circumstances beyond the control of the association prevent the association from conducting a performance, the commission may award a make-up performance.

(j) Change in Race Date Allocation.

(1) The executive director [~~secretary~~] may permit an association to request additional live race dates after its request under this section has been acted on by the commission if the executive director [~~secretary~~] determines that:

(A) the request includes evidence that granting the additional live race dates will enhance the breeding and training industries for horses [~~or greyhounds~~];

(B) the association's failure to request the live race dates initially was not due to the association's neglect; and

(C) if the request duplicates a request by the association that has already been denied by the commission, changed circumstances exist that necessitate additional consideration by the commission.

(2) An association may request a change to the live race dates granted by the commission provided the association obtains the approval of all associations that are affected by the proposed change.

This subsection applies to any proposed change to the number or format of live race dates.

(3) The executive director [~~secretary~~] may approve an association's request to add, delete, or modify live race dates, provided that the request:

(A) does not add any live race dates that are more than fourteen calendar days preceding the start of the Commission-approved race meet or more than fourteen days following the end of the Commission-approved race meet;

(B) is supported in writing by each breed organization affected by the change;

(C) is supported in writing by each association that is affected by the change; and

(D) in the case of a horse racing association, is supported in writing by the horsemen's organization.

(4) In determining whether to approve a request under this subsection, the executive director [~~secretary~~] may consider the effect that approving the request would have on the workload and budget status of the Commission.

(5) For purposes of this subsection, an allocation of live race performances may be changed in the same manner as a change in the allocation of live race dates.

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

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David Holmes
Executive Director
Texas Racing Commission
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SUBCHAPTER D. TEXAS BRED INCENTIVE PROGRAMS
DIVISION 2. PROGRAM FOR HORSES

16 TAC §§303.94 - 303.96

The Texas Racing Commission (Commission) proposes to amend 16 TAC §303.94, concerning Arabian Horse Rules; §303.95, concerning Races for Accredited Texas-Bred Horses; and §303.96, concerning Paint Horse Rules.

Background and Justification

The proposed amendments to §§303.94 - 303.96 are part of the Commission's regulatory efficiency review of its rules in 16 TAC Part 8.

The amendment to §303.94 updates outdated office information by replacing mailing-office language with language directing the public to the Commission's website or Commission office.

The amendment to §303.95 adds a statutory cross-reference to Tex. Occ. Code §2030.003 and updates references from "executive secretary" to "executive director."

The amendment to §303.96 updates outdated office information by replacing mailing-office language with language directing the public to the Commission's website or Commission office.

Summary of Proposal

The proposed amendments update document-availability language, add statutory cross-references, and update terminology to reflect current Commission practices and procedures.

Fiscal Note

David Holmes, Executive Director, has determined that, for each year of the first five years the amendments will be in effect, there will be no additional estimated cost to state or local government and no estimated loss or increase in revenue to state or local government as a result of enforcing or administering the amendments. The amendments are not expected to create a measurable fiscal effect because they update citations, terminology, document-availability language, or obsolete language.

Public Benefit and Economic Cost

David Holmes, Executive Director, has determined that, for each year of the first five years the proposed amendments will be in effect, the public benefit anticipated as a result of the proposed amendments will be greater clarity, easier public access to current rule requirements, and a more accurate and efficient body of Commission rules. David Holmes has also determined that, for each year of the first five years the proposed amendments will be in effect, there will be no probable economic cost to persons required to comply with the proposed rules because the proposals do not impose new fees, reporting requirements, or substantive compliance obligations.

Small Business, Micro-Business, and Rural Community Impact

The Commission has determined that the proposed amendments will not have an adverse economic effect on small businesses, micro-businesses, or rural communities because the proposals do not impose new costs, new reporting obligations, or new operational requirements. The proposals therefore do not require preparation of a regulatory flexibility analysis.

Local Employment Impact

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

Government Growth Impact Statement

For each year of the first five years that the proposed amendments will be in effect, the Commission has determined that the proposals: (1) will not create or eliminate a government program; (2) will not require the creation or elimination of employee positions; (3) will not require an increase or decrease in future legislative appropriations to the Commission; (4) will not require an increase or decrease in fees paid to the Commission; (5) will not create a new regulation; (6) will not expand, limit, or repeal an existing regulation except by streamlining, clarifying, or updating the affected rules; (7) will not increase or decrease the number of individuals subject to the rules' applicability; and (8) will not positively or adversely affect this state's economy.

Takings Impact Assessment

The Commission has determined that the proposed amendments do not affect private real property in a manner that would require a takings impact assessment under Government Code, Chapter 2007.

Public Comment

Written comments on the proposals may be submitted to David Holmes, Executive Director, Texas Racing Commission, by email to rulecomments@txrc.texas.gov. The Commission requests comments on the proposed rules from any interested person and also requests information related to the cost, benefit, or effect of the proposed rules, including any applicable data, research, or analysis. Comments must be received no later than 30 days after publication of the proposals in the *Texas Register*.

Statutory Authority for §303.94 - Arabian Horse Rules

The amendment is proposed under Texas Occupations Code, §§2021.003, 2023.004, and Chapter 2030. Section 2023.004 authorizes the Commission to adopt rules for conducting horse racing in this state that involves wagering and rules for administering the Texas Racing Act in a manner consistent with the Act.

Cross-Reference to Statutes Implemented or Affected

The proposed amendment implements, interprets, or affects Texas Occupations Code, Chapter 2030.

Statutory Authority for §303.95 - Races for Accredited Texas-Bred Horses

The amendment is proposed under Texas Occupations Code, §§2023.004 and 2030.003. Section 2023.004 authorizes the Commission to adopt rules for conducting horse racing or greyhound racing in this state that involves wagering and rules for administering the Texas Racing Act in a manner consistent with the Act.

Cross-Reference to Statutes Implemented or Affected

The proposed amendment implements, interprets, or affects Texas Occupations Code, §2030.003.

Statutory Authority for §303.96 - Paint Horse Rules

The amendment is proposed under Texas Occupations Code, §§2021.003, 2023.004, and Chapter 2030. Section 2023.004 authorizes the Commission to adopt rules for conducting horse racing or greyhound racing in this state that involves wagering and rules for administering the Texas Racing Act in a manner consistent with the Act.

Cross-Reference to Statutes Implemented or Affected

The proposed amendment implements, interprets, or affects Texas Occupations Code, Chapter 2030.

§303.94. Arabian Horse Rules.

The Commission adopts by reference the rules of the Texas Arabian Breeders Association dated March 25, 2006, regarding the administration of the Texas Bred Incentive Program for Arabian horses. Copies of these rules are available on [~~at~~] the Texas Racing Commission website at www.txrc.texas.gov or by contacting the Commission office[~~, P.O. Box 12080, Austin, Texas 78711, or at the Commission office at 8505 Cross Park Dr., #110, Austin, Texas 78754-4594~~].

§303.95. Races for Accredited Texas-Bred Horses.

On each race day, an association shall provide for the running of races [~~at least two races~~] limited to accredited Texas-bred horses as required by Tex. Occ. Code Section 2030.003 [~~, one of which shall be restricted to maidens~~]. An association may defer the running of required Texas-bred races [~~,~~] with the approval of the executive director [~~secretary~~], provided [~~the running of one or both of the two races required by this section for each race day, but the association must provide that~~] the total number of accredited Texas-bred races conducted in a race meeting equals or exceeds [~~is equal to or greater than~~] twice the total number of race dates in the race meeting, as required by law.

§303.96. Paint Horse Rules.

The commission adopts by reference the rules of the Texas Paint Horse Breeders Association dated September 17, 1996, regarding the administration of the Texas Bred Incentive Program for paint horses. Copies of these rules are available on [~~at~~] the Texas Racing Commission website at www.txrc.texas.gov or by contacting the Commission office.[~~, P.O. Box 12080, Austin, Texas 78711, or at the commission office at 8505 Cross Park Drive, #110, Austin, Texas 78754-4594.~~]

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

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David Holmes
Executive Director
Texas Racing Commission
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For further information, please call: (512) 833-6699

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CHAPTER 307. PROCEEDINGS BEFORE THE COMMISSION

SUBCHAPTER B. CONTESTED CASES

16 TAC §307.34

The Texas Racing Commission (Commission) proposes the repeal of 16 TAC §307.34, concerning Exceptions and Replies.

Background and Justification

The proposed repeal removes §307.34 because it will no longer be necessary upon adoption of amendments to §307.36. The repeal avoids duplicative or unnecessary contested-case procedure language and allows the Commission to maintain the procedure in the rule where Commission consideration of proposals for decision is addressed.

Summary of Proposal

The proposed repeal removes §307.34 in its entirety.

Fiscal Note

David Holmes, Executive Director, has determined that, for each year of the first five years the repeal will be in effect, there will be no additional estimated cost to state or local government and no estimated loss or increase in revenue to state or local government as a result of enforcing or administering the repeal. The repeal may reduce administrative burden by removing an obsolete or unnecessary rule, but any governmental savings cannot be reliably quantified from the information available to the Commission.

Public Benefit and Economic Cost

David Holmes, Executive Director, has determined that, for each year of the first five years the proposed repeal will be in effect, the public benefit anticipated as a result of the proposed repeal will be clearer contested-case procedure and reduced duplication in the Commission's procedural rules. David Holmes has

also determined that, for each year of the first five years the proposed repeal will be in effect, there will be no probable economic cost to persons required to comply with the repeal because the repeal removes an existing rule and does not impose a new fee, reporting requirement, or substantive compliance obligation.

Small Business, Micro-Business, and Rural Community Impact

The Commission has determined that the proposed repeal will not have an adverse economic effect on small businesses, micro-businesses, or rural communities because the repeal does not impose new costs, new reporting obligations, or new operational requirements. The proposed repeal therefore does not require preparation of a regulatory flexibility analysis.

Local Employment Impact

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

Government Growth Impact Statement

For each year of the first five years that the proposed repeal will be in effect, the Commission has determined that the proposal: (1) will not create or eliminate a government program; (2) will not require the creation or elimination of employee positions; (3) will not require an increase or decrease in future legislative appropriations to the Commission; (4) will not require an increase or decrease in fees paid to the Commission; (5) will not create a new regulation; (6) will repeal an existing procedural regulation that will be unnecessary if proposed amendments to §307.36 are adopted and will not otherwise expand an existing regulation; (7) will not increase the number of individuals subject to the rule's applicability; and (8) will not positively or adversely affect this state's economy.

Takings Impact Assessment

The Commission has determined that the proposed repeal does not affect private real property in a manner that would require a takings impact assessment under Government Code, Chapter 2007.

Public Comment

Written comments on the proposal may be submitted to David Holmes, Executive Director, Texas Racing Commission, by email to rulecomments@txrc.texas.gov. The Commission requests comments on the proposed repeal from any interested person and also requests information related to the cost, benefit, or effect of the proposed repeal, including any applicable data, research, or analysis. Comments must be received no later than 30 days after publication of the proposal in the *Texas Register.*

Statutory Authority

The repeal is proposed under Texas Occupations Code, §§2023.004, 2023.106, 2023.108, and 2023.109; and Texas Government Code, Chapter 2001. Section 2023.004 authorizes the Commission to adopt rules for conducting racing involving wagering and for administering the Texas Racing Act; §2023.106 authorizes rules governing the powers and duties of race meeting officials; §§2023.108 and 2023.109 address final decisions and appeals from race-meeting-official decisions; and Government Code, Chapter 2001 governs state-agency contested-case and rulemaking procedure.

Cross-Reference to Statutes Implemented or Affected

The proposed repeal implements, interprets, or affects Texas Occupations Code, Chapter 2023, Subchapter C, and Texas Government Code, Chapter 2001.

§307.34. Exceptions and Replies.

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

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SUBCHAPTER D. RULEMAKING

16 TAC §307.101, §307.103

The Texas Racing Commission (Commission) proposes to amend 16 TAC §307.101, concerning Purpose; and §307.103, concerning Petition for Adoption of Rules.

Background and Justification

The proposed amendments to §307.101 and §307.103 are part of the Commission's regulatory efficiency review of its rules in 16 TAC Part 8.

The amendment to §307.101 updates an outdated statutory reference from "the Act, §3.02" to the current Occupations Code citation.

The amendment to §307.103 incorporates a statutory reference, replaces obsolete terms, updates references from "executive secretary" to "executive director," and clarifies who may petition for the adoption of rules.

Summary of Proposal

The proposed amendments update statutory citations and cross-references and clarify existing Commission procedures so the rules reflect the current codification of the Texas Racing Act and related law.

Fiscal Note

David Holmes, Executive Director, has determined that, for each year of the first five years the amendments will be in effect, there will be no additional estimated cost to state or local government and no estimated loss or increase in revenue to state or local government as a result of enforcing or administering the amendments. The amendments are not expected to create a measurable fiscal effect because they update citations, terminology, document-availability language, or obsolete language.

Public Benefit and Economic Cost

David Holmes, Executive Director, has determined that, for each year of the first five years the proposed amendments will be in effect, the public benefit anticipated as a result of the proposed amendments will be greater clarity, easier public access to current rule requirements, and a more accurate and efficient body of Commission rules. David Holmes has also determined that, for each year of the first five years the proposed amendments will be

in effect, there will be no probable economic cost to persons required to comply with the proposed rules because the proposals do not impose new fees, reporting requirements, or substantive compliance obligations.

Small Business, Micro-Business, and Rural Community Impact

The Commission has determined that the proposed amendments will not have an adverse economic effect on small businesses, micro-businesses, or rural communities because the proposals do not impose new costs, new reporting obligations, or new operational requirements. The proposals therefore do not require preparation of a regulatory flexibility analysis.

Local Employment Impact

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

Government Growth Impact Statement

For each year of the first five years that the proposed amendments will be in effect, the Commission has determined that the proposals: (1) will not create or eliminate a government program; (2) will not require the creation or elimination of employee positions; (3) will not require an increase or decrease in future legislative appropriations to the Commission; (4) will not require an increase or decrease in fees paid to the Commission; (5) will not create a new regulation; (6) will not expand, limit, or repeal an existing regulation except by streamlining, clarifying, or updating the affected rules; (7) will not increase or decrease the number of individuals subject to the rules' applicability; and (8) will not positively or adversely affect this state's economy.

Takings Impact Assessment

The Commission has determined that the proposed amendments do not affect private real property in a manner that would require a takings impact assessment under Government Code, Chapter 2007.

Public Comment

Written comments on the proposals may be submitted to David Holmes, Executive Director, Texas Racing Commission, by email to rulecomments@txrc.texas.gov. The Commission requests comments on the proposed rules from any interested person and also requests information related to the cost, benefit, or effect of the proposed rules, including any applicable data, research, or analysis. Comments must be received no later than 30 days after publication of the proposals in the *Texas Register*.

Statutory Authority for §307.101 - Purpose

The amendment is proposed under Texas Occupations Code, §2023.004. Section 2023.004 authorizes the Commission to adopt rules for conducting horse racing or greyhound racing in this state that involves wagering and rules for administering the Texas Racing Act in a manner consistent with the Act.

Cross-Reference to Statutes Implemented or Affected

The proposed amendment implements, interprets, or affects Texas Occupations Code, §2023.004.

Statutory Authority for §307.103 - Petition for Adoption of Rules

The amendment is proposed under Texas Occupations Code, §2023.004, and Texas Government Code, §2001.021. Section 2023.004 authorizes the Commission to adopt rules for conducting horse racing in this state that involves wagering and rules for administering the Texas Racing Act in a manner consistent with the Act.

Cross-Reference to Statutes Implemented or Affected

The proposed amendment implements, interprets, or affects Texas Government Code, §2001.021.

§307.101. Purpose.

As authorized by Tex. Occ. Code Section 2023.004 [~~the Act, §3.02~~] and other law, the Commission shall adopt rules as authorized and required by law which are necessary for the performance of its duties, to establish standards of conduct for its licensees, to ensure strict compliance with and enforcement of the Act, to ensure uniform practice and procedure, and to provide for public participation, notice of agency actions, and a fair and expeditious determination of matters.

§307.103. Petition for Adoption of Rules.

(a) An interested [~~A~~] person, as defined by Tex. Gov't Code Section 2001.021 may request the Commission to adopt, amend, or repeal a rule by filing the request in writing with the executive director [~~secretary~~].

(b) The request must include:

(1) the full name, address, and telephone number of the person making the request;

(2) the text of the new section or amendment, or a reference to the section proposed for repeal, identified in a manner sufficient to show the context of the new section, amendment, or repeal;

(3) a suggested effective date;

(4) reasons for the proposed action in narrative form in sufficient detail to inform the Commission fully of the facts on which the person relies;

(5) the desired effect of the proposed section, amendment, or repeal;

(6) the fiscal implications of the proposed section, amendment, or repeal to the state, to units of local government, to small businesses, and to individuals, if any; and

(7) the signature of the person or a representative of the person.

(c) The executive director [~~secretary~~] shall inform the Chair of the Commission of each petition for rulemaking filed. The Chair shall determine whether to place the petition on the agenda for a Commission meeting for consideration by the Commission.

(d) Not later than the 60th day after the date a petition under this section is submitted, a state agency shall:

(1) deny the petition in writing, stating its reasons for the denial; or

(2) initiate a rulemaking proceeding under this subchapter.

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 October 22, 2026.

TRD-202604472

David Holmes
Executive Director
Texas Racing Commission
Earliest possible date of adoption: December 6, 2026
For further information, please call: (512) 833-6699

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CHAPTER 309. RACETRACK LICENSES AND OPERATIONS

SUBCHAPTER A. RACETRACK LICENSES

DIVISION 1. GENERAL PROVISIONS

16 TAC §309.5

The Texas Racing Commission (Commission) proposes to amend 16 TAC §309.5, concerning Restrictions on Licensing.

Background and Justification

The proposed amendment to §309.5, concerning Restrictions on Licensing, is part of the Commission's regulatory efficiency review of its rules in 16 TAC Part 8 and adds cross-reference for navigability.

Summary of Proposal

The proposed amendment modernizes the rule, removes obsolete language, and clarifies existing Commission procedures without creating a new regulatory program.

Fiscal Note

David Holmes, Executive Director, has determined that, for each year of the first five years the amendment will be in effect, there will be no additional estimated cost to state or local government and no estimated loss or increase in revenue to state or local government as a result of enforcing or administering the amendment. The amendment is not expected to create a measurable fiscal effect because it updates citations, terminology, document-availability language, or obsolete language.

Public Benefit and Economic Cost

David Holmes, Executive Director, has determined that, for each year of the first five years the proposed amendment will be in effect, the public benefit anticipated as a result of the proposed amendment will be greater clarity, easier public access to current rule requirements, and a more accurate and efficient body of Commission rules. David Holmes has also determined that, for each year of the first five years the proposed amendment will be in effect, there will be no probable economic cost to persons required to comply with the proposed rule because the proposal does not impose a new fee, reporting requirement, or substantive compliance obligation.

Small Business, Micro-Business, and Rural Community Impact

The Commission has determined that the proposed amendment will not have an adverse economic effect on small businesses, micro-businesses, or rural communities because the proposal does not impose new costs, new reporting obligations, or new operational requirements. The proposal therefore does not require preparation of a regulatory flexibility analysis.

Local Employment Impact

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

Government Growth Impact Statement

For each year of the first five years that the proposed amendment will be in effect, the Commission has determined that the proposal: (1) will not create or eliminate a government program; (2) will not require the creation or elimination of employee positions; (3) will not require an increase or decrease in future legislative appropriations to the Commission; (4) will not require an increase or decrease in fees paid to the Commission; (5) will not create a new regulation; (6) will not expand, limit, or repeal an existing regulation except by streamlining, clarifying, or updating the affected rule; (7) will not increase or decrease the number of individuals subject to the rule's applicability; and (8) will not positively or adversely affect this state's economy.

Takings Impact Assessment

The Commission has determined that the proposed amendment does not affect private real property in a manner that would require a takings impact assessment under Government Code, Chapter 2007.

Public Comment

Written comments on the proposal may be submitted to David Holmes, Executive Director, Texas Racing Commission, by email to rulecomments@txrc.texas.gov. The Commission requests comments on the proposed rule from any interested person and also requests information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research, or analysis. Comments must be received no later than 30 days after publication of the proposal in the *Texas Register*.

Statutory Authority

The amendment is proposed under Texas Occupations Code, §§2023.004, 2025.101, 2025.201, and 2025.202. Section 2023.004 authorizes the Commission to adopt rules for conducting horse racing in this state that involves wagering and rules for administering the Texas Racing Act in a manner consistent with the Act.

Cross-Reference to Statutes Implemented or Affected

The proposed amendment implements, interprets, or affects Texas Occupations Code, Chapter 2025.

§309.5. Restrictions on Licensing.

(a) Lease. If an applicant for a license to operate a racetrack intends to lease the racetrack facility from another person, the Commission may not grant the license if the Commission determines that:

(1) the lessor would not be qualified to be issued a license; or

(2) the lease is a subterfuge to avoid compliance with the Act or a rule of the Commission.

(b) Reasonable Diligence Required. If the Commission determines that an association is failing to exercise reasonable diligence in preparing a racetrack to begin racing on the date approved by the Commission, the Commission may revoke the license and grant the license to another applicant. See also §309.103 of this title (relating to Construction and Renovation of Racetrack Facilities).

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

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David Holmes
Executive Director
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For further information, please call: (512) 833-6699

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DIVISION 2. ACTIVE AND INACTIVE RACETRACK LICENSES

16 TAC §309.53

The Texas Racing Commission (Commission) proposes to amend 16 TAC §309.53, concerning Ownership and Management Review of Active Racetrack Licenses.

Background and Justification

The proposed amendment to §309.53, concerning Ownership and Management Review of Active Racetrack Licenses, is part of the Commission's regulatory efficiency review of its rules in 16 TAC Part 8. Remove outdated date references; update 'executive secretary' to 'executive director'.

Summary of Proposal

The proposed amendment updates references from executive secretary to executive director and makes related conforming or clarifying changes.

Fiscal Note

David Holmes, Executive Director, has determined that, for each year of the first five years the amendment will be in effect, there will be no additional estimated cost to state or local government and no estimated loss or increase in revenue to state or local government as a result of enforcing or administering the amendment. The amendment may reduce administrative burden by removing obsolete language, duplicative provisions, or outdated procedures, but any governmental savings cannot be reliably quantified from the information in the proposal.

Public Benefit and Economic Cost

David Holmes, Executive Director, has determined that, for each year of the first five years the proposed amendment will be in effect, the public benefit anticipated as a result of the proposed amendment will be greater clarity, easier public access to current rule requirements, and a more accurate and efficient body of Commission rules. David Holmes has also determined that, for each year of the first five years the proposed amendment will be in effect, there will be no probable economic cost to persons required to comply with the proposed rule because the proposal does not impose a new fee, reporting requirement, or substantive compliance obligation.

Small Business, Micro-Business, and Rural Community Impact

The Commission has determined that the proposed amendment will not have an adverse economic effect on small businesses, micro-businesses, or rural communities because the proposal does not impose new costs, new reporting obligations, or new operational requirements. The proposal therefore does not require preparation of a regulatory flexibility analysis.

Local Employment Impact

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

Government Growth Impact Statement

For each year of the first five years that the proposed amendment will be in effect, the Commission has determined that the proposal: (1) will not create or eliminate a government program; (2) will not require the creation or elimination of employee positions; (3) will not require an increase or decrease in future legislative appropriations to the Commission; (4) will not require an increase or decrease in fees paid to the Commission; (5) will not create a new regulation; (6) will not expand, limit, or repeal an existing regulation except by streamlining, clarifying, or updating the affected rule; (7) will not increase or decrease the number of individuals subject to the rule's applicability; and (8) will not positively or adversely affect this state's economy.

Takings Impact Assessment

The Commission has determined that the proposed amendment does not affect private real property in a manner that would require a takings impact assessment under Government Code, Chapter 2007.

Public Comment

Written comments on the proposal may be submitted to David Holmes, Executive Director, Texas Racing Commission, by email to rulecomments@txrc.texas.gov. The Commission requests comments on the proposed rule from any interested person and also requests information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research, or analysis. Comments must be received no later than 30 days after publication of the proposal in the *Texas Register.*

Statutory Authority

The amendment is proposed under Texas Occupations Code, §§2023.004, 2025.101, and 2025.107. Section 2023.004 authorizes the Commission to adopt rules for conducting horse racing in this state that involves wagering and rules for administering the Texas Racing Act in a manner consistent with the Act.

Cross-Reference to Statutes Implemented or Affected

The proposed amendment implements, interprets, or affects Texas Occupations Code, Chapter 2025.

§309.53. Ownership and Management Review of Active Racetrack Licenses.

(a) Scheduling of review.

(1) Except as otherwise provided in this subsection, an association holding a racetrack license designated as "Active-Operating" or "Active-Other" shall be subject to an ownership and management review as scheduled by the Commission [~~in calendar year 2013~~].

(2) An association that undergoes or has undergone an ownership and management review in connection with a change of controlling interest in [~~during 2008 or~~] any [~~subsequent~~] year shall be subject to review under this section in the year beginning five years after the Commission approved the change in controlling interest.

(3) An association which receives its original license at any time [~~during or after calendar 2013~~] shall be subject to review under this section in the year beginning five years after its date of original licensure.

(b) Submission requirements. Not later than June 30 of the year in which an association is subject to review, the association shall submit to the Commission:

(1) copies of its current management, concession, and totalisator contracts;

(2) a copy of its current security plan;

(3) for each person owning an interest of at least five percent of the association and for each officer, director, or management committee member who is not currently licensed as an Association Officer or Director by the Commission:

(A) a completed background information form and written authorization for the Commission and the Department of Public Safety to conduct any investigation deemed necessary; and

(B) a set of fingerprints on a form prescribed by the Department of Public Safety, or if the person already has a set of fingerprints classified and on file with the Department of Public Safety, authorization to resubmit those fingerprints to the Federal Bureau of Investigation and the Department of Public Safety for investigation;

(4) a review fee of $5,000, to be held by the Commission in the state treasury in a suspense account until the review is complete or transferred to the Texas Racing Commission Fund as costs are incurred; and

(5) any other information required by the Commission.

(c) Commission review.

(1) The executive director [~~secretary~~] shall prepare a report for the Commission's review summarizing:

(A) the information provided by the association under this section or under §309.152 of this title (relating to Records);

(B) the Commission's inspection reports from the prior five years;

(C) the results of any inspections or investigations conducted by the Commission as part of the review; and

(D) any other information relevant to the ownership or management of the association.

(2) The executive director [~~secretary~~] will separately provide to the Commission the results of any background investigations conducted by the Department of Public Safety.

(3) At the conclusion of each review, the Commission:

(A) may take any action authorized under the Act or the Rules; and

(B) shall schedule the next ownership and management review of the association's license.

(d) Reconciliation of costs. Upon completion of the review, the Commission shall determine its total cost of processing the review, including its administrative costs and any investigative costs that are reimbursable to the Department of Public Safety.

(1) If the actual cost to the Commission of processing the review exceeds the amount of the review fee paid by the association, the Commission shall bill the association for any additional amount, to be paid not later than 30 days after receipt of a bill from the Commission.

(2) If the actual cost to the Commission of processing the review is less than the amount of the review fee paid by the association, the Commission shall refund the excess not later than 30 business days after the Commission's decision on the review becomes final.

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

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David Holmes
Executive Director
Texas Racing Commission
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For further information, please call: (512) 833-6699

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CHAPTER 313. OFFICIALS AND RULES OF HORSE RACING

SUBCHAPTER A. OFFICIALS

DIVISION 2. DUTIES OF STEWARDS

16 TAC §313.25

The Texas Racing Commission (Commission) proposes to amend 16 TAC §313.25, concerning Steward's List.

Background and Justification

Horses can be placed on the steward's list and declared ineligible to start in a race on the basis of poor performance or behavior on the racetrack that endangers the health or safety of other participants in racing. The proposed amendment addresses the eligibility of a horse to start in a race after a positive drug result involving a Class 1 or Class 2 substance, or when the horse is placed on a steward's list or an equivalent list, in another racing jurisdiction. The amendment is intended to protect the integrity of racing, the wagering public, and racing participants by making a horse ineligible to start while a serious medication or drug case is pending adjudication when the positive drug result is supported by a corresponding laboratory data packet, or when the horse is placed on a steward's list or an equivalent list, in another racing jurisdiction.

Summary of Proposal

The proposed amendment adds a new ground for placing a horse on the steward's list when there is a positive drug result with a corresponding laboratory data packet indicating a Class 1 or Class 2 substance, or when the horse is placed on a steward's list or an equivalent list, in another racing jurisdiction until the case is adjudicated or when the horse is removed from the list of the other racing jurisdiction, respectively. The amendment also clarifies that the workout or schooling-race procedure for removal from the steward's list applies to horses listed for poor or inconsistent performance or unsafe racetrack behavior.

Fiscal Note

David Holmes, Executive Director, has determined that, for each year of the first five years the amendment will be in effect, there will be no additional estimated cost to state or local government and no estimated loss or increase in revenue to state or local government as a result of enforcing or administering the amendment. The amendment can be administered through the existing steward's list process and existing Commission drug-testing and adjudication procedures.

Public Benefit and Economic Cost

David Holmes, Executive Director, has determined that, for each year of the first five years the proposed amendment will be in effect, the public benefit anticipated as a result of the proposed amendment will be increased protection of the integrity of racing, improved confidence in the fairness of pari-mutuel racing, and clearer treatment of serious positive drug results pending adjudication. David Holmes has also determined that the proposed amendment does not impose a new fee or general reporting requirement. The amendment may have case-specific economic consequences for persons associated with a horse placed on the steward's list under the new ground because the horse will be ineligible to start until the case is adjudicated; however, any such effect depends on the facts of an individual positive-result case and cannot be uniformly estimated.

Small Business, Micro-Business, and Rural Community Impact

The Commission has determined that the proposed amendment will not have an adverse economic effect on small businesses, micro-businesses, or rural communities as a class because the proposal does not impose general compliance costs, new fees, or new reporting obligations. Any economic effect on a small or micro-business would be case-specific and limited to circumstances in which a horse is placed on the steward's list after a positive drug result with a corresponding laboratory data packet indicating a Class 1 or Class 2 substance. The proposal therefore does not require preparation of a regulatory flexibility analysis.

Local Employment Impact

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

Government Growth Impact Statement

For each year of the first five years that the proposed amendment will be in effect, the Commission has determined that the proposal: (1) will not create or eliminate a government program; (2) will not require the creation or elimination of employee positions; (3) will not require an increase or decrease in future legislative appropriations to the Commission; (4) will not require an increase or decrease in fees paid to the Commission; (5) will not create a new government program; (6) will expand an existing regulation by adding a ground for placing a horse on the steward's list based on a Class 1 or Class 2 positive drug result supported by a corresponding laboratory data packet; (7) will not increase or decrease the number of individuals subject to the rule's applicability except as applied in individual positive-result cases; and (8) will not positively or adversely affect this state's economy.

Takings Impact Assessment

The Commission has determined that the proposed amendment does not affect private real property in a manner that would require a takings impact assessment under Government Code, Chapter 2007.

Public Comment

Written comments on the proposal may be submitted to David Holmes, Executive Director, Texas Racing Commission, by email to rulecomments@txrc.texas.gov. The Commission requests comments on the proposed rule from any interested person and also requests information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research, or analysis. Comments must be received no later than 30 days after publication of the proposal in the *Texas Register*.

Statutory Authority

The amendment is proposed under Texas Occupations Code, §§2023.001, 2023.002, 2023.004, and 2023.106. Section 2023.001 authorizes the Commission to license and regulate all aspects of horse racing in this state. Section 2023.002 requires the Commission to regulate and supervise each race meeting in this state that involves wagering on the result of horse racing. Section 2023.004 authorizes the Commission to adopt rules for conducting horse racing in this state that involves wagering and rules for administering the Texas Racing Act in a manner consistent with the Act. Section 2023.106 requires the Commission to adopt rules specifying the powers and duties of race meeting officials, including stewards.

Cross-Reference to Statutes Implemented or Affected

The proposed amendment implements, interprets, or affects Texas Occupations Code, §§2023.001, 2023.002, 2023.004, and 2023.106.

§313.25. Steward's List.

(a) The stewards shall maintain a steward's list of the horses that are ineligible to start in a race because of:

(1) poor or inconsistent performance; [~~or~~]

(2) behavior on the racetrack that endangers the health or safety of other participants in racing;[~~.~~]

(3) positive drug result with corresponding lab data packet indicating a Class 1 or 2 substance; or

(4) placement of the horse on the steward's list, or an equivalent list, in another racing jurisdiction.

(b) To be removed from the steward's list for poor or inconsistent performance or behavior on the racetrack that endangers the health or safety of other participants in racing, a horse must, during a workout or schooling race, perform in a manner satisfactory to show the stewards that the horse:

(1) will no longer pose a threat to other participants; and

(2) will be competitive in a race in which it participates.

(c) A horse placed on the steward's list under subsection (a)(3) of this section must remain on the list until the matter giving rise to the positive drug result has been fully adjudicated. Upon full adjudication, the stewards shall remove the horse from the steward's list unless another basis exists for maintaining the horse on the list.

(d) A horse placed on the steward's list under subsection (a)(4) of this section must remain on the list until the horse is removed from the steward's list of the other racing jurisdiction. Upon removal by the other racing jurisdiction, the stewards shall remove the horse from the steward's list unless another basis exists for maintaining the horse on the list.

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

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David Holmes
Executive Director
Texas Racing Commission
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For further information, please call: (512) 833-6699

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CHAPTER 321. PARI-MUTUEL WAGERING
SUBCHAPTER B. TOTALISATOR REQUIREMENTS AND OPERATING ENVIRONMENT

16 TAC §321.101

The Texas Racing Commission (Commission) proposes to amend 16 TAC §321.101, concerning Totalisator Requirements and Operating Environment.

Background and Justification

The proposed amendment to §321.101, concerning Totalisator Requirements and Operating Environment, is part of the Commission's regulatory efficiency review of its rules in 16 TAC Part 8. Removes specific date reference and updates outdated office information.

Summary of Proposal

The proposed amendment updates the rule's availability-of-documents language by replacing outdated mailing-office language with language directing the public to the Commission's website or the Commission office.

Fiscal Note

David Holmes, Executive Director, has determined that, for each year of the first five years the amendment will be in effect, there will be no additional estimated cost to state or local government and no estimated loss or increase in revenue to state or local government as a result of enforcing or administering the amendment. The amendment is not expected to create a measurable fiscal effect because it updates citations, terminology, document-availability language, or obsolete language.

Public Benefit and Economic Cost

David Holmes, Executive Director, has determined that, for each year of the first five years the proposed amendment will be in effect, the public benefit anticipated as a result of the proposed amendment will be greater clarity, easier public access to current rule requirements, and a more accurate and efficient body of Commission rules. David Holmes has also determined that, for each year of the first five years the proposed amendment will be in effect, there will be no probable economic cost to persons required to comply with the proposed rule because the proposal does not impose a new fee, reporting requirement, or substantive compliance obligation.

Small Business, Micro-Business, and Rural Community Impact

The Commission has determined that the proposed amendment will not have an adverse economic effect on small businesses, micro-businesses, or rural communities because the proposal does not impose new costs, new reporting obligations, or new operational requirements. The proposal therefore does not require preparation of a regulatory flexibility analysis.

Local Employment Impact

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

Government Growth Impact Statement

For each year of the first five years that the proposed amendment will be in effect, the Commission has determined that the proposal: (1) will not create or eliminate a government program; (2) will not require the creation or elimination of employee positions; (3) will not require an increase or decrease in future legislative appropriations to the Commission; (4) will not require an increase or decrease in fees paid to the Commission; (5) will not create a new regulation; (6) will not expand, limit, or repeal an existing regulation except by streamlining, clarifying, or updating the affected rule; (7) will not increase or decrease the number of individuals subject to the rule's applicability; and (8) will not positively or adversely affect this state's economy.

Takings Impact Assessment

The Commission has determined that the proposed amendment does not affect private real property in a manner that would require a takings impact assessment under Government Code, Chapter 2007.

Public Comment

Written comments on the proposal may be submitted to David Holmes, Executive Director, Texas Racing Commission, by email to rulecomments@txrc.texas.gov. The Commission requests comments on the proposed rule from any interested person and also requests information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research, or analysis. Comments must be received no later than 30 days after publication of the proposal in the *Texas Register*.

Statutory Authority

The amendment is proposed under Texas Occupations Code, §§2023.004, 2024.003, and Chapter 2027. Section 2023.004 authorizes the Commission to adopt rules for conducting horse racing in this state that involves wagering and rules for administering the Texas Racing Act in a manner consistent with the Act.

Cross-Reference to Statutes Implemented or Affected

The proposed amendment implements, interprets, or affects Texas Occupations Code, Chapters 2024 and 2027.

§321.101. Totalisator Requirements and Operating Environment.

Each association shall conduct wagering using a pari-mutuel system approved by the Commission. The pari-mutuel system shall operate in accordance with applicable laws and rules and meet the latest technical standards set forth in the Association of Racing Commissioners International Totalisator Technical Standards [~~as amended in December 2020 and any subsequent amendments~~]. Copies of the Totalisator Technical Standards are available on the Texas Racing Commission website at www.txrc.texas.gov or by contacting the Commission office [~~at the Texas Racing Commission, Austin Headquarters office~~].

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

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David Holmes
Executive Director
Texas Racing Commission
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SUBCHAPTER C. REGULATION OF LIVE WAGERING
DIVISION 2. DISTRIBUTION OF PARI-MUTUEL POOLS

16 TAC §321.311, §321.315

The Texas Racing Commission (Commission) proposes the amendment of 16 TAC §321.311, concerning Twin Trifecta; and §321.315, concerning Tri-Superfecta.

Background and Justification

The proposed amendments to §321.311 and §321.315 update how these wagers operate to comply with the Association of Racing Commissioners International Model Rules of Racing, as amended in August 2026. The amendments reference the updated standards governing the operation and placement of these exotic wagers.

Summary of Proposal

The proposed amendments reference the Association of Racing Commissioners International Model Rules of Racing, as amended in August 2026, regarding how Twin Trifecta and Tri-Superfecta wagers must be placed and processed.

Fiscal Note

David Holmes, Executive Director, has determined that, for each year of the first five years the amendments will be in effect, there will be no additional estimated cost to state or local government and no estimated loss or increase in revenue to state or local government as a result of enforcing or administering the amendments. The amendments may reduce administrative burden by using straightforward language to refer to the standards governing the operation and placement of these exotic wagers, removing any further unnecessary language.

Public Benefit and Economic Cost

David Holmes, Executive Director, has determined that, for each year of the first five years the proposed amendments will be in effect, the public benefit anticipated as a result of the proposed amendments will be updating the operation and placement of these exotic-wager rules. David Holmes also determined that, for each of the first five years the proposed amendments will be in effect, there will be no probable economic cost to persons required to comply with the amendments because the amendments only reference the updated standards that govern these wagers.

Small Business, Micro-Business, and Rural Community Impact

The Commission has determined that the proposed amendments will not have an adverse economic effect on small businesses, micro-businesses, or rural communities because the amendments do not impose new costs, new reporting obligations, or new operational requirements. The proposed amendments therefore do not require preparation of a regulatory flexibility analysis.

Local Employment Impact

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

Government Growth Impact Statement

For each year of the first five years that the proposed amendments will be in effect, the Commission has determined that the proposals: (1) will not create or eliminate a government program; (2) will not require the creation or elimination of employee positions; (3) will not require an increase or decrease in future legislative appropriations to the Commission; (4) will not require an increase or decrease in fees paid to the Commission; (5) will not create a new regulation; (6) will update the placement and operation regulations for Twin Trifecta and Tri-Superfecta wagers and will not otherwise expand existing regulations; (7) will not increase the number of individuals subject to the rules' applicability; and (8) will not positively or adversely affect this state's economy.

Takings Impact Assessment

The Commission has determined that the proposed amendments do not affect private real property in a manner that would require a takings impact assessment under Government Code, Chapter 2007.

Public Comment

Written comments on the proposals may be submitted to David Holmes, Executive Director, Texas Racing Commission, by email to rulecomments@txrc.texas.gov. The Commission requests comments on the proposed amendments from any interested person and also requests information related to the cost, benefit, or effect of the proposed amendments, including any applicable data, research, or analysis. Comments must be received no later than 30 days after publication of the proposals in the *Texas Register*.

Statutory Authority for §321.311 - Twin Trifecta and §321.315 - Tri-Superfecta

The amendment is proposed under Texas Occupations Code, §§2023.002, 2023.004, and 2027.001. Section 2023.002 requires the Commission to regulate and supervise each race meeting in this state that involves wagering; §2023.004 authorizes Commission rules for conducting racing involving wagering and administering the Texas Racing Act; and §2027.001 requires the Commission to adopt written and updated rules regulating pari-mutuel wagering.

Cross-Reference to Statutes Implemented or Affected

The proposed amendment implements, interprets, or affects Texas Occupations Code, Chapter 2027.

§321.311. Twin Trifecta.

[~~(a)~~] The twin trifecta wager shall be placed and processed in accordance with applicable laws and rules and meet the technical standards set forth in the Association of Racing Commissioners International's Model Rules of Racing as amended in August 2026. [~~is not a parlay and has no connection with or relation to the win, place, and show pools shown on the tote board. All tickets on the twin trifecta shall be calculated as a separate pool.~~]

[~~(b) The twin trifecta requires selection of the first three finishers, in exact order, in each of two designated races. Each winning ticket for the first twin trifecta race must be exchanged for a free ticket on the second twin trifecta race to remain eligible for the second-half~~

twin trifecta pool. Such tickets may be exchanged only at designated attended ticket windows before the start of the second twin trifecta race. Winning first-half twin trifecta wagers will receive both an exchange and a monetary payout. Both of the designated twin trifecta races shall be included in one twin trifecta pool.]

[(c) After wagering closes for the first-half of the twin trifecta and commissions have been deducted from the pool, the net pool shall then be divided equally into two separate pools: the first-half twin trifecta pool and the second-half twin trifecta pool.]

[(d) In the first twin trifecta race only, the first-half twin trifecta pool shall be distributed according to the following precedence, based on the official order of finish for the first twin trifecta race:]

[(1) As a single price pool to those whose combination finished in correct sequence as the first three betting interests; but if there are no such wagers, then]

[(2) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then]

[(3) As a single price pool to those whose combination included, in correct sequence, the first and third betting interests; but if there are no such wagers, then]

[(4) As a single price pool to those whose combination correctly selected the first-place betting interest; but if there are no such wagers, then]

[(5) As a single price pool to those whose combination included, in correct sequence, the second and third betting interests; but if there are no such wagers, then]

[(6) As a single price pool to those whose combination correctly selected the second-place betting interest; but if there are no such wagers, then]

[(7) As a single price pool to those whose combination correctly selected the third-place betting interest; but if there are no such wagers, then]

[(8) The twin trifecta pool shall be canceled and the entire pool shall be carried forward to the next consecutive performance and combined with that performance's second-half twin trifecta pool.]

[(e) If no first-half twin trifecta ticket selects the first three finishers of that contest in exact order, no exchange tickets for the second-half twin trifecta pool will be issued. In such case, the second-half twin trifecta pool shall be carried forward and added to any existing twin trifecta carryover pool.]

[(f) A first-half twin trifecta ticket that selects the first three finishers of that race in exact order may be exchanged for a ticket selecting the first three finishers of the second twin trifecta race. The second-half twin trifecta pool shall be distributed according to the following precedence, based on the official order of finish for the second twin trifecta race:]

[(1) As a single price pool, including the carryover, to those whose combination finished in correct sequence as the first three betting interests; but if there are no such wagers, then]

[(2) The second-half twin trifecta pool for that race shall be carried forward to the next consecutive performance and shall be combined with that performance's second-half twin trifecta pool.]

[(g) If a winning first-half twin trifecta ticket is not presented for cashing and exchange before the start of the second twin trifecta race, the ticket holder may still collect the monetary value associated with the first-half twin trifecta pool but forfeits all rights to a distribution of the second-half twin trifecta pool.]

[(h) If fewer than six horses of different betting interests leave the paddock for the first twin trifecta race or fewer than six greyhounds start the first twin trifecta race, the twin trifecta shall be canceled and the entire twin trifecta pool for that performance shall be refunded.]

[(i) Before the running of the first twin trifecta race, if due to a scratch the second twin trifecta race has fewer than six horses of different betting interests or fewer than six greyhounds of different betting interests, the twin trifecta shall be canceled and the entire twin trifecta pool for that performance shall be refunded.]

[(j) After the running of the first twin trifecta race, if due to a late scratch, the second twin trifecta race has fewer than six animals of different betting interests that start, all exchange tickets and outstanding first-half winning tickets shall be entitled to the second-half twin trifecta pool for that performance as a single price pool, but not the twin trifecta carryover.]

[(k) Coupled entries and mutuel fields may not be permitted in a twin trifecta horse race unless there are six or more betting interests. Coupled entries or mutuel fields in a twin trifecta race shall race as a single betting interest for the purpose of mutuel pool calculations and payout to the public.]

[(l) If a betting interest in the first twin trifecta race is scratched, all twin trifecta wagers including the scratched betting interest shall be refunded.]

[(m) If a betting interest in the second twin trifecta race is scratched, an announcement concerning the scratch shall be made and a reasonable amount of time shall be provided to exchange tickets that include the scratched betting interest.]

[(n) If there is a dead heat or multiple dead heats in either the first or second twin trifecta race, all twin trifecta wagers selecting the correct order of finish, counting a betting interest involved in a dead heat as finishing in any dead-heated position, shall be a winner. In the case of a dead heat occurring in:]

[(1) the first twin trifecta race, the payout shall be calculated as a profit split; and]

[(2) the second twin trifecta race, the payout shall be calculated as a single price pool.]

[(o) If either of the twin trifecta races are canceled before the first twin trifecta race, or if the first twin trifecta contest is declared "no contest", the entire twin trifecta pool for that performance shall be refunded and the second-half pool shall be canceled.]

[(p) If the second twin trifecta race is canceled or declared "no contest" on a:]

[(1) non-designated mandatory payout performance, all exchange tickets and outstanding first-half winning twin trifecta tickets shall be entitled to the net twin trifecta pool for that performance as a single price pool, but not the twin trifecta carryover. If there are no such tickets, the net twin trifecta pool shall be carried forward to the next consecutive performance and combined with that performance's second-half twin trifecta pool; and]

[(2) designated mandatory payout performance, all exchange tickets and outstanding first-half winning twin trifecta tickets as determined by subsection (s) of this section shall be entitled to the net twin trifecta pool for that performance and the twin trifecta carryover as a single price pool.]

[(q) An association may file a written request for permission to distribute the twin trifecta carryover on a specific performance with the executive secretary. The request must contain justification for the distribution, an explanation of the benefit to be derived, and the intended date and performance for the distribution.]

[(r) Notwithstanding subsections (f) and (t) of this section, on the last performance of a race meeting or on a designated mandatory payout performance, the following precedence will be followed in determining winning tickets for the second-half of the twin trifecta:]

[(1) As a single price pool to those whose combination finished in correct sequence as the first three betting interests; but if there are no such wagers, then]

[(2) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then]

[(3) As a single price pool to those whose combination included, in correct sequence, the first and third betting interests; but if there are no such wagers, then]

[(4) As a single price pool to those whose combination correctly selected the first-place betting interest; but if there are no such wagers, then]

[(5) As a single price pool to those whose combination included, in correct sequence, the second and third betting interests; but if there are no such wagers, then]

[(6) As a single price pool to those whose combination correctly selected the second-place betting interest; but if there are no such wagers, then]

[(7) As a single price pool to those whose combination correctly selected the third-place betting interest; but if there are no such wagers, then]

[(8) As a single price pool to holders of valid exchange tickets; but if there are no such persons, then]

[(9) As a single price pool to holders of outstanding first-half winning tickets.]

[(s) Distribution on Mandatory Payout.]

[(1) Notwithstanding subsections (e) and (t) of this section, on the last performance of a race meeting or a designated mandatory payout performance, exchange tickets will be issued for those combinations selecting the greatest number of betting interests in the first twin trifecta race in the following order:]

[(A) As a single price pool to those whose combination finished in correct sequence as the first three betting interests; but if there are no such wagers, then]

[(B) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then]

[(C) As a single price pool to those whose combination included, in correct sequence, the first and third betting interests; but if there are no such wagers, then]

[(D) As a single price pool to those whose combination correctly selected the first-place betting interest; but if there are no such wagers, then]

[(E) As a single price pool to those whose combination included, in correct sequence, the second and third betting interests; but if there are no such wagers, then]

[(F) As a single price pool to those whose combination correctly selected the second-place betting interest; but if there are no such wagers, then]

[(G) As a single price pool to those whose combination correctly selected the third-place betting interest.]

[(2) Notwithstanding subsections (e) and (t) of this section, on the last performance of a race meeting or a designated mandatory payout performance, if there are no wagers selecting the finishers in the order described in Paragraph (1) of this subsection and there is a carryover, all first-half tickets are considered winners and the twin trifecta pool for that performance and any existing twin trifecta carryover shall be distributed equally among them.]

[(3) Notwithstanding subsections (e) and (t) of this section, on the last performance of a race meeting or a designated mandatory payout performance, if there are no wagers selecting the finishers in the order described in Paragraph (1) of this subsection and there is no carryover, the twin trifecta shall be canceled and the entire twin trifecta pool shall be refunded.]

[(t) Cap on Carryover.]

[(1) The twin trifecta carryover may be capped at a designated level approved by the executive secretary so that if, at the close of any performance, the amount in the twin trifecta carryover equals or exceeds the designated cap, the twin trifecta carryover will be frozen until it is won or distributed under other provisions of this section. After the twin trifecta carryover is frozen, 50% of the twin trifecta pool shall be distributed to winners of the first twin trifecta race using the following precedence:]

[(A) As a single price pool to those whose combination finished in correct sequence as the first three betting interests; but if there are no such wagers, then]

[(B) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then]

[(C) As a single price pool to those whose combination included, in correct sequence, the first and third betting interests; but if there are no such wagers, then]

[(D) As a single price pool to those whose combination correctly selected the first-place betting interest; but if there are no such wagers, then]

[(E) As a single price pool to those whose combination included, in correct sequence, the second and third betting interests; but if there are no such wagers, then]

[(F) As a single price pool to those whose combination correctly selected the second-place betting interest; but if there are no such wagers, then]

[(G) As a single price pool to those whose combination correctly selected the third-place betting interest; but if there are no such wagers, then]

[(H) the twin trifecta shall be canceled and the entire twin trifecta pool for that performance shall be refunded.]

[(2) After the twin trifecta carryover is frozen, exchange tickets will be issued for the second half of the twin trifecta pool, in accordance with paragraph (1) of this subsection. The second-half twin trifecta pool shall be distributed according to the following precedence, based upon the official order of finish for the second twin trifecta race:]

[(A) As a single price pool, including the carryover, to those who received an exchange ticket under paragraph (1)(A) of this

subsection, and whose combination finished in correct sequence as the first three betting interests; but if there are no such tickets, then]

[(B) Fifty percent (50%) of the twin trifecta pool for that performance only shall be distributed in the following precedence:]

[(i) As a single price pool to those whose combination included, in correct sequence, the first three betting interest; but if there are no such wagers, then]

[(ii) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then]

[(iii) As a single price pool to those whose combination included, in correct sequence, the first and third betting interests; but if there are no such wagers, then]

[(iv) As a single price pool to those whose combination correctly selected the first-place betting interest; but if there are no such wagers, then]

[(v) As a single price pool to those whose combination included, in correct sequence, the second and third betting interests; but if there are no such wagers, then]

[(vi) As a single price pool to those whose combination correctly selected the second-place betting interest; but if there are no such wagers, then]

[(vii) As a single price pool to those whose combination correctly selected the third-place betting interest; but if there are no such wagers, then]

[(viii) As a single price pool to holders of valid exchange tickets; but if there are no such persons, then]

[(ix) As a single price pool to holders of outstanding first-half winning tickets.]

[(u) The twin trifecta carryover shall be designated for mandatory payout on a specified date and performance only under the following circumstances:]

[(1) on written approval from the executive secretary as provided in subsection (q) of this section;]

[(2) on written approval from the executive secretary when there is a change in the carryover cap or when the twin trifecta is discontinued; and]

[(3) on the closing performance of the race meeting.]

[(v) If the twin trifecta carryover must be held over to the corresponding twin trifecta pool of a subsequent race meeting, the carryover shall be deposited in an interest-bearing account approved by the executive secretary. The twin trifecta carryover plus accrued interest shall be carried over and added to the second-half twin trifecta pool of the following race meeting on a date and performance designated by the executive secretary.]

[(w) The association must obtain written approval from the executive secretary concerning the scheduling and the amount of the cap to be set on the carryover. Any changes to the approved twin trifecta format require prior approval from the executive secretary.]

§321.315. Tri-Superfecta.

[(a)] The tri-superfecta shall be placed and processed in accordance with applicable laws and rules and meet the technical standards set forth in the Association of Racing Commissioners International's Model Rules of Racing as amended in August 2026. [is not a parlay and has no connection with or relation to the win, place, or show pools on the tote board. All tickets on the tri-superfecta shall be calculated as a separate pool.]

[(b) The tri-superfecta requires selection of the first three finishers, in exact order, in the first of two designated races. Each winning ticket for the first tri-superfecta race must be exchanged for a free ticket on the second tri-superfecta race to remain eligible for the second-half tri-superfecta pool. Such tickets may be exchanged only at designated attended ticket windows before the start of the second tri-superfecta race. Winning first-half tri-superfecta wagers will receive both an exchange and a monetary payout. Both of the designated tri-superfecta races shall be included in one tri-superfecta pool.]

[(c) After wagering closes for the first-half of the tri-superfecta and commissions have been deducted from the pool, the net pool shall then be divided equally into two separate pools: the first-half tri-superfecta pool and the second-half tri-superfecta pool.]

[(d) In the first tri-superfecta race only, the first-half tri-superfecta pool shall be distributed according to the following precedence, based upon the official order of finish for the first tri-superfecta race:]

[(1) As a single price pool to those whose combination finished in correct sequence as the first three betting interests; but if there are no such wagers, then]

[(2) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then]

[(3) As a single price pool to those whose combination included, in correct sequence, the first and third betting interests; but if there are no such wagers, then]

[(4) As a single price pool to those whose combination correctly selected the first-place betting interest; but if there are no such wagers, then]

[(5) As a single price pool to those whose combination included, in correct sequence, the second and third betting interests; but if there are no such wagers, then]

[(6) As a single price pool to those whose combination correctly selected the second-place betting interest; but if there are no such wagers, then]

[(7) As a single price pool to those whose combination correctly selected the third-place betting interest; but if there are no such wagers, then]

[(8) The tri-superfecta pool shall be canceled and the entire pool shall be carried forward to the next consecutive performance and combined with that performance's second-half tri-superfecta pool.]

[(e) If no first-half tri-superfecta ticket selects the first three finishers of that race in exact order, no exchange tickets for the second-half tri-superfecta pool will be issued and the second-half tri-superfecta pool shall be carried over and added to the tri-superfecta carryover pool.]

[(f) A first-half tri-superfecta ticket that selects the first three finishers of that race in exact order may be exchanged for a ticket selecting the first four finishers of the second tri-superfecta race. The second-half tri-superfecta pool shall be distributed according to the following precedence, based upon the official order of finish for the second tri-superfecta race:]

[(1) As a single price pool, including the carryover, to those whose combination finished in correct sequence as the first four betting interests; but if there are no such tickets, then]

[(2) The second-half tri-superfecta pool for that contest shall be carried forward to the next consecutive performance and shall be combined with that performance's second-half tri-superfecta pool.]

[(g) If a winning first-half tri-superfecta ticket is not presented for cashing and exchange before the start of the second tri-superfecta race, the ticket holder may collect the monetary value associated with the first-half tri-superfecta pool but forfeits all right to a distribution of the second-half tri-superfecta pool.]

[(h) If fewer than six horses of different betting interests leave the paddock for the first tri-superfecta race or fewer than six greyhounds start the first tri-superfecta race, the tri-superfecta contest shall be canceled and the entire tri-superfecta pool for that performance shall be refunded.]

[(i) Before the running of the first tri-superfecta race, if due to a scratch the second tri-superfecta race has fewer than seven horses of different betting interests or fewer than seven greyhounds of different betting interests, the tri-superfecta shall be canceled and the entire tri-superfecta pool for that performance shall be refunded.]

[(j) After the running of the first tri-superfecta race, if due to a late scratch, the second tri-superfecta race has fewer than seven horses of different betting interests that start or has fewer than seven greyhounds of different betting interests that start, all exchange tickets and outstanding first-half winning tickets shall be entitled to the second-half tri-superfecta pool for that performance as a single price pool, but not the tri-superfecta carryover.]

[(k) Coupled entries and mutuel fields may not be permitted in a tri-superfecta horse contest unless there are six or more betting interests and seven or more betting interests in the second race. Coupled entries or mutuel fields in a tri-superfecta race shall race as a single betting interest for the purpose of mutuel pool calculations and payout to the public.]

[(l) If a betting interest in the first tri-superfecta race is scratched, all tri-superfecta wagers including the scratched betting interest shall be refunded.]

[(m) If a betting interest in the second tri-superfecta race is scratched, an announcement concerning the scratch shall be made and a reasonable amount of time shall be provided to exchange tickets that include the scratched betting interest.]

[(n) If there is a dead heat or multiple dead heats in either the first or second tri-superfecta race, all tri-superfecta wagers selecting the correct order of finish, counting a betting interest involved in a dead heat as finishing in any dead-heated position, shall be a winner. In the case of a dead heat occurring in:]

[(1) the first tri-superfecta race, the payout shall be calculated as a profit split; and]

[(2) the second tri-superfecta race, the payout shall be calculated as a single price pool.]

[(o) If either of the tri-superfecta races are canceled prior to the first tri-superfecta race, or if the first tri-superfecta race is declared "no contest", the entire tri-superfecta pool for that performance shall be refunded and the second-half pool shall be canceled.]

[(p) If the second tri-superfecta race is canceled or declared "no contest" on a:]

[(1) non-designated mandatory payout performance, all exchange tickets and outstanding first-half winning tri-superfecta tickets shall be entitled to the net tri-superfecta pool for that performance as a single price pool, but not the tri-superfecta carryover. If there are no such tickets, the net tri-superfecta pool shall be carried over to the next consecutive performance and combined with that performance's second-half tri-superfecta pool; and]

[(2) designated mandatory payout performance, all exchange tickets and outstanding first-half winning tri-superfecta tickets as determined by subsection (s) of this section shall be entitled to the net tri-superfecta pool for that performance and the tri-superfecta carryover as a single price pool.]

[(q) An association may file a written request for permission to distribute the tri-superfecta carryover on a specific performance with the executive secretary. The request must contain justification for the distribution, an explanation of the benefit to be derived, and the intended date and performance for the distribution.]

[(r) Distribution on Mandatory Payout.]

[(1) Notwithstanding subsections (e) and (t) of this section, on the last performance of a race meet or a designated mandatory payout performance, exchange tickets will be issued for those combinations selecting the greatest number of betting interests in the first tri-superfecta race in the following order:]

[(A) As a single price pool to those whose combination finished in correct sequence as the first three betting interests; but if there are no such wagers, then]

[(B) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then]

[(C) As a single price pool to those whose combination included, in correct sequence, the first and third betting interests; but if there are no such wagers, then]

[(D) As a single price pool to those whose combination correctly selected the first-place betting interest; but if there are no such wagers, then]

[(E) As a single price pool to those whose combination included, in correct sequence, the second and third betting interests; but if there are no such wagers, then]

[(F) As a single price pool to those whose combination correctly selected the second-place betting interest; but if there are no such wagers, then]

[(G) As a single price pool to those whose combination correctly selected the third-place betting interest.]

[(2) Notwithstanding subsections (e) and (t) of this section, on the last performance of a race meeting or a designated mandatory payout performance, if there are no wagers selecting the finishers in the order described in paragraph (1) of this subsection and there is a carryover, all first-half tickets are considered winners and the tri-superfecta pool for that performance and the tri-superfecta carryover shall be distributed equally among them.]

[(3) Notwithstanding subsections (e) and (t) of this section, on the last performance of a race meeting or a designated mandatory payout performance, if there are no wagers selecting the finishers in the order described in paragraph (1) of this subsection and there is no carryover, the tri-superfecta shall be canceled and the entire tri-superfecta pool shall be refunded.]

[(s) Notwithstanding subsections (f) and (t) of this section, on the last performance of a race meeting or on a designated mandatory payout performance, the following precedence will be followed in determining winning tickets for the second-half of the tri-superfecta:]

[(1) As a single price pool to those whose combination finished in correct sequence as the first four betting interests; but if there are no such wagers, then]

[(2) As a single price pool to those whose combination included, in correct sequence, the first three betting interests; but if there are no such wagers, then]

[(3) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then]

[(4) As a single price pool to those whose combination correctly selected the first-place betting interest; but if there are no such wagers, then]

[(5) As a single price pool to those whose combination included, in correct sequence, the second-place betting interests; but if there are no such wagers, then]

[(6) As a single price pool to those whose combination correctly selected the third-place betting interest; but if there are no such wagers, then]

[(7) As a single price pool to those whose combination correctly selected the fourth-place betting interest; but if there are no such wagers, then]

[(8) As a single price pool to holders of valid exchange tickets; but if there are no such persons, then]

[(9) As a single price pool to holders of outstanding first-half winning tickets.]

[(t) Cap on Carryover.]

[(1) The tri-superfecta carryover may be capped at a designated level approved by the executive secretary so that if, at the close of any performance, the amount in the tri-superfecta carryover equals or exceeds the designated cap, the tri-superfecta carryover will be frozen until it is won or distributed under other provisions of this section. After the tri-superfecta carryover is frozen, 50% of the tri-superfecta pool shall be distributed to winners of the first tri-superfecta contest using the following precedence:]

[(A) As a single price pool to those whose combination finished in correct sequence as the first three betting interests; but if there are no such wagers, then]

[(B) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then]

[(C) As a single price pool to those whose combination included, in correct sequence, the first and third betting interests; but if there are no such wagers, then]

[(D) As a single price pool to those whose combination correctly selected the first-place betting interest; but if there are no such wagers, then]

[(E) As a single price pool to those whose combination included, in correct sequence, the second and third betting interests; but if there are no such wagers, then]

[(F) As a single price pool to those whose combination correctly selected the second-place betting interest; but if there are no such wagers, then]

[(G) As a single price pool to those whose combination correctly selected the third-place betting interest; but if there are no such wagers, then]

[(H) the tri-superfecta shall be canceled and the entire tri-superfecta pool for that performance shall be refunded.]

[(2) After the tri-superfecta carryover is frozen, exchange tickets will be issued for winning tickets of the first half of the tri-superfecta pool as determined in paragraph (1) of this subsection. The second-half tri-superfecta pool shall be distributed according to the following precedence, based upon the official order of finish for the second tri-superfecta race:]

[(A) As a single price pool, including the carryover, to those who received an exchange ticket under paragraph (1)(A) of this subsection, and whose combination finished in correct sequence as the first four betting interests of the second leg of the tri-superfecta pool; but if there are no such tickets, then]

[(B) Fifty percent (50%) of the tri-superfecta pool for that performance only shall be distributed in the following precedence:]

[(i) As a single price pool to those whose combination include, in correct sequence, the first four betting interests of the second leg of the tri-superfecta pool; but if there are no such wagers, then]

[(ii) As a single price pool to those whose combination included, in correct sequence, the first three betting interests; but if there are no such wagers, then]

[(iii) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then]

[(iv) As a single price pool to those whose combination correctly selected the first-place betting interest; but if there are no such wagers, then]

[(v) As a single price pool to those whose combination included, in correct sequence, the second-place betting interests; but if there are no such wagers, then]

[(vi) As a single price pool to those whose combination correctly selected the third-place betting interest; but if there are no such wagers, then]

[(vii) As a single price pool to those whose combination correctly selected the fourth-place betting interest; but if there are no such wagers, then]

[(viii) As a single price pool to holders of valid exchange tickets; but if there are no such persons, then]

[(ix) As a single price pool to holders of outstanding first-half winning tickets.]

[(u) The tri-superfecta carryover shall be designated for mandatory payout on a specified date and performance only under the following circumstances:]

[(1) on written approval from the executive secretary as provided in subsection (q) of this section;]

[(2) on written approval from the executive secretary when there is a change in the carryover cap or when the tri-superfecta is discontinued; and]

[(3) on the last performance of the race meeting.]

[(v) If the tri-superfecta carryover must be held over to the corresponding tri-superfecta pool of a subsequent race meeting, the carryover shall be deposited in an interest-bearing account approved by the executive secretary. The tri-superfecta carryover plus accrued interest shall be carried forward and added to the second-half tri-superfecta

~~pool of the following race meeting on a date and performance designated by the executive secretary.~~]

[~~(w) The association must obtain written approval from the executive secretary concerning the scheduling and the amount of the cap to be set on the carryover. Any changes to the approved tri-superfecta format require prior approval from the executive secretary.~~]

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

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

♦ ♦ ♦

TITLE 19. EDUCATION

PART 2. TEXAS EDUCATION AGENCY

CHAPTER 74. CURRICULUM REQUIREMENTS

SUBCHAPTER BB. COMMISSIONER'S RULES CONCERNING HIGH SCHOOL GRADUATION

19 TAC §74.1035

The Texas Education Agency (TEA) proposes new §74.1035, concerning the applied sciences pathway program. The proposed new section would implement requirements of House Bill (HB) 20, 89th Texas Legislature, Regular Session, 2025, by defining key terms, outlining program approval and course substitution processes, and identifying program participation requirements.

BACKGROUND INFORMATION AND JUSTIFICATION: HB 20, 89th Texas Legislature, Regular Session, 2025, established the applied sciences pathway program in Texas Education Code (TEC), §29.914, to provide eligible students with opportunities to concurrently earn high school diplomas and certificates from institutions of higher education (IHEs).

Proposed new §74.1035 would implement TEC, §29.914, by establishing requirements for the approval and operation of applied sciences pathway programs. The proposal would identify the purpose of the program; define key terms; establish requirements for program approval, including identification of the industries for which an applied sciences pathway program may be established; establish procedures for course substitution approval; identify student participation requirements; and establish related timelines.

FISCAL IMPACT: Shannon Trejo, deputy commissioner of school programs, 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 communities; 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 create a new regulation by establishing a rule related to implementation of the applied sciences pathway program, in accordance with HB 20, 89th Texas Legislature, Regular Session, 2025.

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 expand, 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: Dr. Trejo 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 providing school districts, open-enrollment charter schools, and IHEs with additional guidance and clarification related to implementation of an applied sciences pathway program.

DATA AND REPORTING IMPACT: The proposed new rule would have a data and reporting impact. Each school district and open-enrollment charter school wishing to implement an applied sciences pathway program would be required to obtain approval for and report participation in an applied sciences pathway program.

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: TEA requests public comments on the proposal, including, per Texas Government Code, §2001.024(a)(8), information related to the cost, benefit, or effect of the proposed rule and any applicable data, research, or analysis, from any person required to comply with the proposed rule or any other interested person. The public comment period on the proposal begins November 6, 2026, and ends December 7, 2026. 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 November 6, 2026. A form for submitting public comments is available on the TEA website at https://tea.texas.gov/laws-and-rules/commissioner-rules-tac/proposed-commissioner-education-rules.

STATUTORY AUTHORITY. The new section is proposed under TEC, §29.914, as added by HB 20, 89th Texas Legislature, Regular Session, 2025, which requires the commissioner of education to establish and administer the applied sciences pathway program to provide opportunities for students to concurrently earn high school diplomas and certificates from IHEs and requires the commissioner to adopt rules as necessary to administer the program.

CROSS REFERENCE TO STATUTE. The new section implements TEC, §29.914, as added by HB 20, 89th Texas Legislature, Regular Session, 2025.

§74.1035. Applied Sciences Pathway Program.

(a) Purpose. The applied sciences pathway program is established under Texas Education Code (TEC), §29.914, to provide opportunities for eligible students to concurrently earn high school diplomas and certificates from institutions of higher education (IHEs).

(b) Definitions. The following terms, when used in this section, shall have the following meanings unless the context clearly indicates otherwise.

(1) Career and technical education course--A course that is included in a college-level certificate program in an industry approved to be included in an applied sciences pathway program.

(2) Certificate program--A grouping of subject-matter courses which, when satisfactorily completed by a student, will entitle the student to a certificate; a workforce program designed for entry-level employment or for upgrading skills and knowledge within an occupation that serves as a building block and/or exit point for an applied associate degree program as defined in §9.1(7) of this title (relating to Definitions), or documentary evidence, other than a degree, of completion of a course of study at the postsecondary level.

(c) Program approval.

(1) To be approved as an applied sciences pathway program, the program must prepare students for successful job placement in one of the following industries:

(A) automotive technology;

(B) aviation maintenance;

(C) carpentry;

(D) construction management and inspection;

(E) diesel and heavy equipment;

(F) electrical;

(G) electronics technology;

(H) heating, ventilation, and air conditioning;

(I) industrial maintenance and processes;

(J) information technology and cybersecurity;

(K) manufacturing and industrial technology;

(L) masonry;

(M) mechanical and aerospace engineering;

(N) oil and gas exploration and production;

(O) plumbing and pipe fitting;

(P) refining and chemical processes;

(Q) robotics and automation;

(R) sheet metal;

(S) transportation, distribution, and logistics; or

(T) welding.

(2) A school system shall obtain approval from the Texas Education Agency (TEA) before offering an applied sciences pathway program.

(3) Prior to applying for approval, a school system shall establish a formal memorandum of understanding with its partner IHE that clearly delineates the roles and responsibilities of each partner for implementation of the applied sciences pathway program.

(4) Each spring, the program application, timeline, and eligibility criteria shall be made publicly available on the TEA website.

(5) TEA will notify each applicant of program approval or denial no later than July 31st following receipt of a complete application.

(6) TEA shall deny applications that:

(A) are submitted after the published deadline;

(B) are incomplete; or

(C) fail to meet the eligibility criteria.

(7) Once approved, a program shall retain approval status through the end of the 2030-2031 school year.

(d) Course substitutions.

(1) As part of the application process, a school system or its partner IHE shall request approval if the program wishes to substitute credit earned through successful completion of a college-level career and technical education (CTE) course offered by the partnering IHE for a credit required for high school graduation under TEC, §28.025. A request shall be submitted for each college-level CTE course proposed for substitution.

(2) The commissioner of education may approve a course substitution if TEA determines that the college-level CTE course substantially covers the Texas Essential Knowledge and Skills (TEKS) for the course being substituted.

(3) A request for course substitution must include documentation demonstrating the alignment between the college-level course and the TEKS for the course being substituted in a format prescribed by TEA.

(4) A CTE course approved for substitution under this subsection may not satisfy more than one credit toward graduation requirements or be counted in more than one subject area.

(5) Before enrolling a student in a college-level CTE course approved under this section, a school system shall determine that the student possesses the prerequisite knowledge and skills necessary to be successful in the course. A student is not required to complete a high school prerequisite course if the school system determines that the student has demonstrated the necessary prerequisite knowledge and skills.

(e) Program participation requirements.

(1) Before a student may earn substitute credit in English language arts, mathematics, science, or social studies, the student must

perform satisfactorily on each applicable end-of-course assessment required for prior courses in the corresponding subject area within the school system's prescribed course sequence.

(2) For purposes of TEC, §48.005, time spent by a student participating in the program shall be included in the minimum instructional hours required for the student to be considered in average daily attendance.

(3) Participation in the program does not prohibit a student from enrolling in CTE courses or dual credit courses before entering the program.

(f) Expiration. This section expires September 1, 2031.

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 October 26, 2026.

TRD-202604519
Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Earliest possible date of adoption: December 6, 2026
For further information, please call: (512) 475-1497

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TITLE 34. PUBLIC FINANCE

PART 3. TEACHER RETIREMENT SYSTEM OF TEXAS

CHAPTER 21. PURPOSE AND SCOPE

34 TAC §21.1

The Teacher Retirement System of Texas (TRS) proposes to repeal §21.1 (relating to Statement of Policy) of Chapter 21 (relating to Purpose and Scope) in Title 34, Part 3, of the Texas Administrative Code.

BACKGROUND AND PURPOSE

In TRS' adopted four-year rule review published in the *Texas Register* (51 TexReg 5257) on August 7, 2026 , TRS identified §21.1 as a rule for future repeal because §21.1 provides no substantive requirements that require a rule. For this reason, TRS now proposes to repeal this rule. Further, because §21.1 is the only rule in Chapter 21 of TRS rules, TRS also proposes the repeal of Chapter 21 (relating to Purpose and Scope).

FISCAL NOTE

Don Green, TRS Chief Financial Officer, has determined that for each year of the first five years the proposed repeal will be in effect, there will be no foreseeable fiscal implications to state or local governments as a result of administering the proposed repeal.

PUBLIC COST/BENEFIT

For each year of the first five years the proposed repeal will be in effect, Mr. Green also has determined that the public benefit anticipated as a result of adopting the proposed repeal will be to remove unnecessary rules from the Texas Administrative Code. Mr. Green has also determined that that there is no economic cost to entities or persons required to comply with the proposed repeal. The repeal imposes no new requirements.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS

TRS has determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities as a result of the proposed repeal. Therefore, neither an economic impact statement nor a regulatory flexibility analysis is required under Government Code §2006.002.

LOCAL EMPLOYMENT IMPACT STATEMENT

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

GOVERNMENT GROWTH IMPACT STATEMENT

TRS has determined that for the first five years the proposed repeal will be in effect the proposed repeal will not create or eliminate a government program; will not require the creation or elimination of employee positions; will not require an increase or decrease in future legislative appropriations to TRS; will not require an increase or decrease in fees paid to TRS; will not create a new regulation; will not expand or limit an existing regulation; will not increase or decrease the number of individuals subject to the rule's applicability; and will not affect the state's economy.

The proposed repeal does, however, repeal §21.1.

TAKINGS IMPACT ASSESSMENT

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

COSTS TO REGULATED PERSONS

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

COMMENTS

TRS requests written comments regarding the proposed repeal. The comments may include information related to the costs, benefits, or effects of the proposed repeal, including any applicable data, research, or analysis, from any person required to comply with the proposed repeal or any other interested person.

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

STATUTORY AUTHORITY

The repeal of §21.1 is proposed under the authority of Government Code §825.102 which authorizes the TRS Board of Trustees to adopt rules for the eligibility for membership, the administration of the funds of the retirement system, and the transaction of business of the board.

CROSS-REFERENCE TO STATUTE

The proposed repeal of §21.1 implements Government Code §825.102.

§21.1. Statement of Policy.

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 October 26, 2026.

TRD-202604504
Don Green
Chief Financial Officer
Teacher Retirement System of Texas
Earliest possible date of adoption: December 6, 2026
For further information, please call: (512) 542-6506



CHAPTER 25. MEMBERSHIP CREDIT

The Teacher Retirement System of Texas (TRS) proposes amendments to the following rules in Chapter 25 (relating to Membership Credit) in Part 3 of Title 34 of the Texas Administrative Code: §25.66 of Subchapter E (relating to Military Service); §25.75 of Subchapter F (relating to Veteran's (USERRA) Service Credit); and §25.82 of Subchapter G (relating to Purchase of Credit for Out-of-State Service). In addition, TRS proposes to repeal the following rules in Chapter 25 in Part 3 of Title 34 of the Texas Administrative Code: §25.34 of Subchapter B (relating to Compensation); §25.84, and §25.86 of Subchapter G (relating to Purchase of Credit for Out-of-State Service); and §25.163 of Subchapter L (relating to Other Special Service Credit).

BACKGROUND AND PURPOSE

TRS proposes to amend three rules (§§25.66, 25.75, and 25.82) and repeal four rules (§§25.34, 25.84, 25.86, and 25.163) in Chapter 25 of TRS rules to implement the determinations made by the TRS Board of Trustees in TRS's recently adopted rule review (51 TexReg 5257). The proposed amendments are all either minor, nonsubstantive revisions or removals of obsolete provisions. The rules proposed for repeal are no longer necessary for administration of the TRS pension plan.

SECTION-BY-SECTION SUMMARY

TRS proposes to repeal §25.34 (relating to Membership Waiting Period) because the original reason for adopting this rule, the 90-day membership waiting period that existed from September 1, 2003 to September 1, 2005, has expired in law. Members who were subject to this rule may still purchase this service under §25.164 of this title (relating to Credit for Service During School Year With Membership Waiting Period).

The proposed amendments to §25.66 (relating to Application for Military Credit) and §25.75 (relating to Application for Eligible Active Military Duty under the Uniformed Services Employment and Re-Employment Rights Act) are both minor updates to TRS' street address.

The proposed amendments to §25.82 (relating to Cost) deletes subsections (f) and (g) from the rule because the time period to purchase credit for out-of-state service at the fee costs listed has expired.

TRS proposes to repeal §25.84 (relating to Crediting Fees) because the requirement for fees no longer exists in law.

TRS proposes to repeal §25.86 (relating to Computing Average Compensation) because the requirements of this rule already exist in Government Code §823.403.

TRS proposes to repeal §25.163 (relating to Service Credit Purchase) because this rule no longer has substantive requirements, and the original reason for adopting the rule, purchasing service credit under former Government Code §823.405, no longer exists as that statute has been repealed.

FISCAL NOTE

Don Green, TRS Chief Financial Officer, has determined that for each year of the first five years the proposed amended and repealed rules will be in effect, there will be no foreseeable fiscal implications for state or local governments as a result of administering the proposed amended and repealed rules.

PUBLIC COST/BENEFIT

For each year of the first five years the proposed amended and repealed rules will be in effect, Mr. Green also has determined that the public benefit anticipated as a result of adopting the proposed amended and repealed rules will be to remove unnecessary rules and requirements from the Texas Administrative Code and to update outdated references. In addition, Mr. Green has determined that the public will benefit from increased readability of the proposed amended rules.

Mr. Green has also determined that the public will incur no new costs as a result of complying with the proposed amended and repealed rules.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS

TRS has determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities as a result of the proposed amended and repealed rules. Therefore, neither an economic impact statement nor a regulatory flexibility analysis is required under Government Code §2006.002.

LOCAL EMPLOYMENT IMPACT STATEMENT

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

GOVERNMENT GROWTH IMPACT STATEMENT

TRS has determined that for the first five years the proposed amended and repealed rules are in effect, the proposed amended and repealed rules will not create or eliminate any TRS programs; will not require the creation or elimination of employee positions; will not require an increase or decrease in future legislative appropriations to TRS; will not eliminate any fees currently paid to TRS; will not create a new regulation; will not expand or limit an existing regulation; will not increase or decrease the number of individuals subject to the rules' applicability; and will not affect the state's economy.

The proposed repealed rules, however, will repeal four current TRS rules: §§25.34, 25.84, 25.86, and 25.163.

TAKINGS IMPACT ASSESSMENT

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

COSTS TO REGULATED PERSONS

TRS has determined that Government Code §2001.0045 does not apply to the proposed amended and repealed rules because the proposed amended and repealed rules do not impose a cost on regulated persons.

COMMENTS

TRS requests written comments regarding the proposed amendments and repeals. The comments may include information related to the costs, benefits, or effects of the proposed amendments and repeals, including any applicable data, research, or analysis, from any person required to comply with the proposed amendments or repeals or any other interested person.

Comments and information regarding the cost, benefit, and effect of the proposed amendments or repeals may be submitted in writing to Brian Guthrie, TRS Executive Director, P.O. Box 149676, Austin, Texas 78714-0185. Written comments and cost/benefit information must be received by TRS no later than 30 days after publication of this notice in the *Texas Register*.

SUBCHAPTER B. COMPENSATION

34 TAC §25.34

STATUTORY AUTHORITY

The proposed repealed rule is proposed under the authority of Government Code §825.102, which authorizes the board of trustees to adopt rules for the transaction of the business of the board.

CROSS-REFERENCE TO STATUTE

The proposed repealed rule affects the following statutes: Government Code §825.4041, which relates to employer payments.

§25.34. Membership Waiting Period.

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

Filed with the Office of the Secretary of State on October 26, 2026.

TRD-202604505
Don Green
Chief Financial Officer
Teacher Retirement System of Texas
Earliest possible date of adoption: December 6, 2026
For further information, please call: (512) 542-6506

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SUBCHAPTER E. MILITARY SERVICE

34 TAC §25.66

STATUTORY AUTHORITY

The amendments to §25.66 are proposed under the authority of Government Code §825.102, which authorizes the board of trustees to adopt rules for the transaction of the business of the board.

CROSS-REFERENCE TO STATUTE

The proposed amendments to §25.66 affect the following statutes: Chapter 823, Subchapter D, of the Government Code, which provides for the establishment of military service credit with TRS.

§25.66. Application for Military Credit.

Members desiring to make deposits for military credit should request in writing to be billed for the cost of the credit. Requests should be addressed to Teacher Retirement System of Texas, P.O. Box 149676, Austin, Texas 78714-0185 [~~1000 Red River Street, Austin, Texas 78701-2698~~]. Included with the request should be a certified or legible unaltered copy or copies of the member's military service record showing the dates and nature of the member's active duty. The system may require the member to make available to it such other evidence as may be required to establish the member's eligibility for service credit and the amount of deposits due. When the system determines the duty eligible for credit, it shall bill members for the total amounts of deposits and fees due for the credit at the last address of the member of which the system has record. The member must return the bill to the system with the total amount due for the military duty credit or with an installment payment agreement and all subsequent installment payments due. Deposits for military duty credit will not be accepted after date of death, except to the extent permitted under the laws and rules governing installment payments, or date of service retirement of a member.

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 October 26, 2026.

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Don Green
Chief Financial Officer
Teacher Retirement System of Texas
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For further information, please call: (512) 542-6506

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SUBCHAPTER F. VETERAN'S (USERRA) SERVICE CREDIT

34 TAC §25.75

STATUTORY AUTHORITY

The amendments to §25.75 are proposed under the authority of Government Code §825.102, which authorizes the board of trustees to adopt rules for the transaction of the business of the board.

CROSS-REFERENCE TO STATUTE

The proposed amendments to §25.75 affect the following statutes: Chapter 823, Subchapter D, of the Government Code, which provides for the establishment of military service credit with TRS.

§25.75. Application for Eligible Active Military Duty under the Uniformed Services Employment and Re-Employment Rights Act.

Members desiring to make deposits for service or compensation credit for eligible military duty under the Uniformed Services Employment and Re-Employment Rights Act (USERRA) should request in writing to be billed for the cost of the credit. Requests should be addressed to Teacher Retirement System of Texas, P.O. Box 149676, Austin, Texas 78714-0185 [~~1000 Red River Street, Austin, Texas 78701-2698~~]. Included with the request should be a certified or legible unaltered copy or copies of the member's military service record showing the dates

and nature of the member's military duty. Also included with the request should be a certification of the date of the member's application for reemployment with a Teacher Retirement System of Texas (TRS) covered employer or other proof of the date of employment with a TRS covered employer. The system may also require the member to make available to it such other evidence as may be required to establish the member's eligibility under the USERRA and §25.71 of this title (relating to Service Credit for Eligible Active Military Duty under the Uniformed Services Employment and Re-Employment Rights Act) for service credit and the amount of the deposits due. When the system determines the duty is eligible for credit, it shall bill the member for the total amounts of deposits and fees due for the credit at the last address of the member of which the system has record. The member must return the bill to the system with the total amount due for the eligible credit or with an installment payment agreement and all subsequent installment payments due. Deposits for military duty eligible for credit under the USERRA and §25.71 of this title must be made no later than five years after the date of re-employment or application for re-employment, subject to any additional period available under USERRA.

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 October 26, 2026.

TRD-202604507
Don Green
Chief Financial Officer
Teacher Retirement System of Texas
Earliest possible date of adoption: December 6, 2026
For further information, please call: (512) 542-6506

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SUBCHAPTER G. PURCHASE OF CREDIT FOR OUT-OF-STATE SERVICE

34 TAC §25.82

STATUTORY AUTHORITY

The amendments are proposed under the authority of Government Code §823.401, which relates to the out-of-state service and members' ability to purchase credit based on that service in TRS; and Government Code §825.102, which authorizes the board of trustees to adopt rules for the transaction of the business of the board.

CROSS-REFERENCE TO STATUTE

The proposed amendments affect the following statutes: Government Code §823.401, which relates to the out-of-state service and members' ability to purchase credit based on that service in TRS.

§25.82. Cost.

(a) The [~~Except as provided by subsections (g) and (h) of this section, the~~] cost of establishing out-of-state service credit is the actuarial cost, as determined by TRS, of the additional standard annuity retirement benefits that would be attributable to the out-of-state service credit purchased under this section.

(b) To calculate the actuarial cost, TRS will use the cost factors and method described in §25.302 of this title (relating to Calculation of Actuarial Cost).

(c) The purchase cost described in this section assumes a lump-sum deposit will be made. If deposits are made under an installment agreement, a non-refundable installment fee of 9% applies.

(d) No credit will be applied to the cost of a year of out-of-state service credit for any TRS contributions made in the same school year.

(e) The date of first eligibility to purchase credit for any year of out-of-state service shall be the latest of the following dates:

(1) the date the member received 5 years' credit for service in the public schools of Texas;

(2) the date state law made the out-of-state service available for TRS service credit;

(3) the date in which the member qualified to deposit payment for each year of out-of-state service under the one for two rule in effect until March 20, 1975;

(4) the date the member completed one year of creditable service in the public schools of Texas after relevant out-of-state service.

(f) No deposits for out-of-state service credit may be made before the member accumulates 5 years of credit for service in the public schools of Texas.

[~~(g) A member may establish out-of-state service credit by paying the deposits and fees required in subsection (h) of this section if the member meets all applicable requirements to purchase out-of-state service credit and if:~~]

[~~(1) the person was a member of TRS on December 31, 2005;~~]

[~~(2) the out-of-state service was performed before January 1, 2006, including service in the 2005-2006 school year that began before January 1, 2006; and~~]

[~~(3) the member makes payment for the out-of-state service credit, or enters into an installment agreement for payment, not later than August 31, 2013.~~]

[~~(h) The cost of establishing out-of-state service credit under subsection (g) of this section is 12% per year of the full annual salary rate for the first year of service in Texas which is both after the out-of-state service and after September 1, 1956. Annual salary is limited to $8,400 for years prior to September 1, 1969, and $25,000 for years after September 1969 but before September 1, 1979. For years starting on or after September 1, 1979, TRS will apply any relevant creditable compensation limitations to determine the full salary rate. Cost will not be based on years granted for substitute service. In addition a crediting fee of 8.0% compounded annually of the amount of deposits due and paid shall be charged from the end of the school year in which the member was first eligible to purchase credit for such service until payment for the credit is received.~~]

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 October 26, 2026.

TRD-202604508
Don Green
Chief Financial Officer
Teacher Retirement System of Texas
Earliest possible date of adoption: December 6, 2026
For further information, please call: (512) 542-6506

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34 TAC §25.84, §25.86

STATUTORY AUTHORITY

The repeals are proposed under the authority of Government Code §823.401, which relates to the out-of-state service and members' ability to purchase credit based on that service in TRS; and Government Code §825.102, which authorizes the board of trustees to adopt rules for the transaction of the business of the board.

CROSS-REFERENCE TO STATUTE

The proposed repeals affect the following statutes: Government Code §823.401, which relates to the out-of-state service and members' ability to purchase credit based on that service in TRS.

§25.84. Crediting Fees.
§25.86. Computing Average Compensation.
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 October 26, 2026.

TRD-202604531
Don Green
Chief Financial Officer
Teacher Retirement System of Texas
Earliest possible date of adoption: December 6, 2026
For further information, please call: (512) 542-6506

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SUBCHAPTER L. OTHER SPECIAL SERVICE CREDIT

34 TAC §25.163

STATUTORY AUTHORITY

The repeal of §25.163 is proposed under the authority of Government Code §825.102, which authorizes the board of trustees to adopt rules for the transaction of the business of the board.

CROSS-REFERENCE TO STATUTE

The proposed repealed rule affects no current TRS statutes as the statutory authority for this type of service credit purchase, Government Code §823.405, was repealed effective January 1, 2006.

§25.163. Service Credit Purchase.
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 October 26, 2026.

TRD-202604509
Don Green
Chief Financial Officer
Teacher Retirement System of Texas
Earliest possible date of adoption: December 6, 2026
For further information, please call: (512) 542-6506

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CHAPTER 27. TERMINATION OF MEMBERSHIP AND REFUNDS

34 TAC §27.8

The Teacher Retirement System of Texas (TRS) proposes amendments to §27.8 (relating to Reinstatement of Membership and Service Credit by ORP Participants) of Chapter 27 (relating to Termination of Membership and Refunds) in Title 34, Part 3, of the Texas Administrative Code.

BACKGROUND AND PURPOSE

In TRS' adopted four-year rule review published in the *Texas Register* on August 7, 2026 (51 TexReg 5257), TRS identified §27.8 as a rule for future amendment because TRS determined that subsection (a) of the rule is no longer necessary for TRS to administer this section as the election period described in subsection (a) is expired.

FISCAL NOTE

Don Green, TRS Chief Financial Officer, has determined that for each year of the first five years the proposed amendments will be in effect, there will be no foreseeable fiscal implications to state or local governments as a result of administering the proposed amendments.

PUBLIC COST/BENEFIT

For each year of the first five years the proposed repeal will be in effect, Mr. Green also has determined that the public benefit anticipated as a result of adopting the proposed amendments will be to remove unnecessary provisions from the Texas Administrative Code. Mr. Green has also determined that there is no economic cost to entities or persons required to comply with the proposed amendments. The proposed amendments impose no new requirements.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS

TRS has determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities as a result of the proposed amendments. Therefore, neither an economic impact statement nor a regulatory flexibility analysis is required under Government Code §2006.002.

LOCAL EMPLOYMENT IMPACT STATEMENT

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

GOVERNMENT GROWTH IMPACT STATEMENT

TRS has determined that for the first five years the proposed amendments will be in effect the proposed repeal will not create or eliminate a government program; will not require the creation or elimination of employee positions; will not require an increase or decrease in future legislative appropriations to TRS; will not require an increase or decrease in fees paid to TRS; will not create a new regulation; will not expand, limit, or repeal an existing regulation; will not increase or decrease the number of individuals subject to the rule's applicability; and will not affect the state's economy.

TAKINGS IMPACT ASSESSMENT

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

COSTS TO REGULATED PERSONS

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

COMMENTS

TRS requests written comments regarding the proposed amendments. The comments may include information related to the costs, benefits, or effects of the proposed amendments, including any applicable data, research, or analysis, from any person required to comply with the proposed amendments or any other interested person.

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

STATUTORY AUTHORITY

The amendments to §27.8 are proposed under the authority of Government Code §825.102 which authorizes the TRS Board of Trustees to adopt rules for the eligibility for membership, the administration of the funds of the retirement system, and the transaction of business of the board.

CROSS-REFERENCE TO STATUTE

The proposed amendments to §27.8 implement Government Code §830.106.

§27.8. Reinstatement of Membership and Service Credit by ORP Participants.

~~[(a) A person who was participating in the Optional Retirement Program (ORP) on September 1, 1979, was eligible to elect to become a member of the Teacher Retirement System of Texas (TRS) between September 1, 1979, and September 1, 1980. Any such election was effective on the first day of the month following the month in which it was received by the employer.]~~

(a) ~~[(b)]~~ ORP participants who elected to return to TRS membership between September 1, 1979, and September 1, 1980[~~, under subsection (a) of this section,~~] are eligible to reinstate all previously held TRS credit, except student employment credit, under the provisions of this section only. Reinstatement may occur at any time after resumption of membership in TRS. All eligible credit must be reinstated at one time. If the member's account was withdrawn, the member must pay the accumulated contributions plus a reinstatement fee of 10% per year of the amount due compounded annually from the date of withdrawal to the date of repayment. Reinstatement fees will be credited to the state contribution account. Credit will be reinstated upon application by the member on a form prescribed by TRS and the deposit of all required payments. No credit may be established for service in public education while an ORP participant.

(b) ~~[(c)]~~ Former ORP participants who return or have returned to TRS membership in the retirement system other than by an election under this section must make reinstatement under §27.6 of this title (relating to Reinstatement of an Account).

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 October 26, 2026.

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Don Green
Chief Financial Officer
Teacher Retirement System of Texas
Earliest possible date of adoption: December 6, 2026
For further information, please call: (512) 542-6506

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CHAPTER 29. BENEFITS
SUBCHAPTER E. DEFERRED RETIREMENT OPTION PLAN

34 TAC §29.63

The Teacher Retirement System of Texas (TRS) proposes to repeal §29.63 (relating to Deadline for Purchase of Special Service Credit) in Subchapter E of Chapter 29 in Title 34, Part 3, of the Texas Administrative Code.

BACKGROUND AND PURPOSE

In TRS' adopted four-year rule review published in the *Texas Register* on August 7, 2026 (51 TexReg 5257), TRS identified §29.63 as a rule for future repeal because §29.63 contains a deadline for service credit purchases by members who elected to participate in the Deferred Retirement Option Plan (DROP) and states the service credit must be purchased before DROP is elected (with some exceptions). As TRS members have not been able to elect DROP since 2005, a rule containing this deadline is no longer necessary. Further, §29.63(b) also contains a December 31, 2001, deadline for service credit purchases by certain DROP participants, and that deadline has passed.

FISCAL NOTE

Don Green, TRS Chief Financial Officer, has determined that for each year of the first five years the proposed repeal will be in effect, there will be no foreseeable fiscal implications to state or local governments as a result of administering the proposed repeal.

PUBLIC COST/BENEFIT

For each year of the first five years the proposed repeal will be in effect, Mr. Green also has determined that the public benefit anticipated as a result of adopting the proposed repeal will be to remove unnecessary requirements from the Texas Administrative Code. Mr. Green has also determined that that there is no economic cost to entities or persons required to comply with the proposed repeal. The repeal imposes no new requirements.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS

TRS has determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities as a result of the proposed repeal. Therefore, neither an economic impact statement nor a regulatory flexibility analysis is required under Government Code §2006.002.

LOCAL EMPLOYMENT IMPACT STATEMENT

TRS has determined that there will be no effect on local employment because of the proposed repeal. Therefore, no local em-

ployment impact statement is required under Government Code §2001.022.

GOVERNMENT GROWTH IMPACT STATEMENT

TRS has determined that for the first five years the proposed repeal will be in effect the proposed repeal will not create or eliminate a government program; will not require the creation or elimination of employee positions; will not require an increase or decrease in future legislative appropriations to TRS; will not require an increase or decrease in fees paid to TRS; will not create a new regulation; will not expand or limit an existing regulation; will not increase or decrease the number of individuals subject to the rule's applicability; and will not affect the state's economy.

The proposed repeal does, however, repeal §29.63.

TAKINGS IMPACT ASSESSMENT

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

COSTS TO REGULATED PERSONS

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

COMMENTS

TRS requests written comments regarding the proposed repeal. The comments may include information related to the costs, benefits, or effects of the proposed repeal, including any applicable data, research, or analysis, from any person required to comply with the proposed repeal or any other interested person.

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

STATUTORY AUTHORITY

The repeal of §29.63 is proposed under the authority of Government Code §825.102 which authorizes the TRS Board of Trustees to adopt rules for the eligibility for membership, the administration of the funds of the retirement system, and the transaction of business of the board.

CROSS-REFERENCE TO STATUTE

The proposed repeal of §29.63 affects Subchapter I (relating to Deferred Retirement Option Plan) of Chapter 824 of the Government Code.

§29.63. Deadline for Purchase of Special Service Credit.

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 October 26, 2026.

TRD-202604511

Don Green

Chief Financial Officer

Teacher Retirement System of Texas

Earliest possible date of adoption: December 6, 2026

For further information, please call: (512) 542-6506

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CHAPTER 31. EMPLOYMENT AFTER RETIREMENT

The Teacher Retirement System of Texas (TRS) proposes amendments to the following rules in Chapter 31 (relating to Employment After Retirement) in Part 3 of Title 34 of the Texas Administrative Code: §31.2 and §31.3 of Subchapter A (relating to General Provisions and Procedures) and §§31.12, 31.13, 31.15, 31.18, and 31.19 of Subchapter B (relating to Employment After Retirement Exceptions). TRS also proposes to repeal §31.16 in Subchapter B of Chapter 31 in Part 3 of Title 34 of the Texas Administrative Code.

BACKGROUND AND PURPOSE

TRS proposes to amend seven rules (§§31.2, 31.3, 31.12, 31.13, 31.15, 31.18, and 31.19) and repeal one rule (§31.16) in Chapter 31 of TRS rules to implement the determinations made by the TRS Board of Trustees in TRS's recently adopted rule review (51 TexReg 5257). The proposed amendments are all either minor, nonsubstantive revisions, or they remove obsolete provisions. TRS also proposes to repeal §31.16 (relating to Federally-funded COVID-19 Personnel) because the statutory authority for this provision expired on February 1, 2025.

SECTION-BY-SECTION SUMMARY

The proposed amendments to §31.2 (relating to Monthly Certified Statements) and §31.3 (relating to Return-to-work Employer Pension Surcharge) delete references to the §31.16 as the statutory authority for that rule, Government Code §824.6021, expired on February 1, 2025. The proposed amendments also make conforming edits and correct typographical errors.

The proposed amendments to §31.12 (relating to Substitute Service) delete the portion of the substitute definition that includes work "on a temporary basis to monitor an in-person class while the classroom teacher temporarily instructs the class virtually." This portion of the substitute employment after retirement (EAR) exception was added to the rule during the COVID-19 pandemic and is now no longer used by TRS-covered employers.

The proposed amendments to §31.13 (relating to One-half Time Employment) and §31.15 (relating to Tutors under Education Code §33.913) to correct minor typographical errors.

TRS proposes to repeal §31.16 (relating to Federally-funded COVID-19 Personnel) as the statutory authority for that rule, Government Code §824.6021, expired on February 1, 2025.

The proposed amendments to §31.18 (relating to Combining EAR Exceptions) and §31.19 (relating to Combining EAR Exceptions and Employer Surcharges) delete references to the §31.16 (relating to Federally-funded COVID-19 Personnel) as the statutory authority for that rule, Government Code §824.6021, expired on February 1, 2025. The proposed amendments also make conforming edits and correct typographical errors.

FISCAL NOTE

Don Green, TRS Chief Financial Officer, has determined that for each year of the first five years the proposed amended and repealed rules will be in effect, there will be no foreseeable fiscal implications for state or local governments as a result of administering the proposed amended and repealed rules.

PUBLIC COST/BENEFIT

For each year of the first five years the proposed amended and repealed rules will be in effect, Mr. Green also has determined that the public benefit anticipated as a result of adopting the proposed amended rules will be to remove unnecessary rules and requirements from the Texas Administrative Code. In addition, Mr. Green has determined that the public will benefit from increased readability of the proposed amended rules.

Mr. Green has also determined that the public will incur no new costs as a result of complying with the proposed amended and repealed rules.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS

TRS has determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities as a result of the proposed amended and repealed rules. Therefore, neither an economic impact statement nor a regulatory flexibility analysis is required under Government Code §2006.002.

LOCAL EMPLOYMENT IMPACT STATEMENT

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

GOVERNMENT GROWTH IMPACT STATEMENT

TRS has determined that for the first five years the proposed amended and repealed rules are in effect, the proposed amended and repealed rules will not create or eliminate any TRS programs; will not require the creation or elimination of employee positions; will not require an increase or decrease in future legislative appropriations to TRS; will not eliminate any fees currently paid to TRS; will not create a new regulation; will not expand or limit an existing regulation; will not increase or decrease the number of individuals subject to the rules' applicability; and will not affect the state's economy.

The proposed repealed rules, however, will repeal §31.16.

TAKINGS IMPACT ASSESSMENT

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

COSTS TO REGULATED PERSONS

TRS has determined that Government Code §2001.0045 does not apply to the proposed amended and repealed rules because the proposed amended and repealed rules do not impose a cost on regulated persons.

COMMENTS

TRS requests written comments regarding the proposed amendments and repeals. The comments may include information related to the costs, benefits, or effects of the proposed amendments and repeals, including any applicable data, research, or analysis, from any person required to comply with the proposed amendments or repeals or any other interested person.

Comments and information regarding the cost, benefit, and effect of the proposed amendments or repeals may be submitted in writing to Brian Guthrie, TRS Executive Director, P.O. Box 149676, Austin, Texas 78714-0185. Written comments and cost/benefit information must be received by TRS no later than 30 days after publication of this notice in the *Texas Register*.

SUBCHAPTER A. GENERAL PROVISIONS AND PROCEDURES

34 TAC §31.2, §31.3

STATUTORY AUTHORITY

The proposed amended rules are proposed under the authority of Government Code §824.604, which authorizes TRS to adopt rules necessary for administering the requirements of Subchapter G of Chapter 824, Government Code, which relates to loss of benefits on resumption of TRS service after retirement; and Government Code §825.102, which authorizes the board of trustees to adopt rules for the transaction of the business of the board.

CROSS-REFERENCE TO STATUTE

The proposed amended rules affect the following statutes: Subchapter G of Chapter 824, Government Code, which relates to loss of benefits on resumption of TRS service after retirement; and Government Code §825.4092, which relates to employer contributions for employed retirees.

§31.2. Monthly Certified Statement.

(a) In accordance with the requirements of Government Code § 824.6022, an employer shall submit to TRS a monthly certified statement of employment for all retirees employed by the employer during each month of a school year.

(b) Employers must submit the monthly certified statement and all required employer surcharges under §31.3 of this title (relating to Return-to-Work Employer Pension Surcharges) for each report month from September through July before the eleventh day of the month following the applicable report month. For the monthly certified statement for the report month of August, the employer shall submit the monthly certified statement and all required employer surcharges before the seventh day of September.

(c) If the due date for submission of a monthly certified statement and required employer surcharges under subsection (b) of this section falls on a weekend or federal holiday, an employer shall submit the monthly certified statement and required employer surcharges on the last business day prior to the due date.

(d) An employer that fails to timely submit a monthly certified statement and all required employer surcharges must also pay all applicable interest and late fees provided in subsections (f) and (g) of this section.

(e) A monthly certified statement is not considered submitted to TRS until it is completed. To be complete, the monthly certified statement must include all the following information regarding a retiree employed by the employer during the report month:

(1) the number of hours and days worked by the retiree;

(2) whether the retiree's employment qualifies as one or more of the following types:

(A) substitute employment;

(B) one-half time or less employment;

(C) employment as a tutor under Section 33.913 of the Education Code;

[(D) employment in a federally-funded COVID-19 personnel position that meets the requirements of Section 824.6021 of the Government Code and §31.16 of this title (relating to Federally-funded COVID-19 Personnel);]

(D) [(E)] full-time employment;

(E) [(F)] trial employment of a disability retiree for up to three months; or

(F) [(G)] any combination of these types;

(3) the amount of gross compensation paid to the retiree during the report month;

(4) the total amount due under §41.4 of this title (relating to Employer Health Benefit Surcharge); and

(5) any other information requested by TRS to administer this chapter.

(f) Employers that fail to timely submit a monthly certified statement, any required employer surcharges, or interest on unpaid amounts as required in this section shall pay to TRS the late fee established in this subsection for each business day that the monthly certified statement is past due. The late fees required to be paid are as follows:

(1) For employers with fewer than 100 employees, the late fee for the first business day the monthly certified statement is past due is $100. For each subsequent business day that the monthly certified statement is past due, the employer shall pay an additional $10.

(2) For employers with at least 100 employees but no more than 500 employees, the late fee for the first business day the monthly certified statement is past due is $250. For each subsequent business day that the monthly certified statement is past due, the employer shall pay an additional $25.

(3) For employers with more than 500 employees but no more than 1,000 employees, the late fee for the first business day the report or documentation is past due is $500. For each subsequent business day that the monthly certified statement is past due, the employer shall pay an additional $50.

(4) For employers with more than 1,000 employees, the late fee for the first business day the monthly certified statement is past due is $1,000. For each subsequent business day that the monthly certified statement is past [pat] due, the employer shall pay an additional $100.

(g) In determining the number of employees for purposes of assessing the late fee in subsection (f) of this section, TRS shall base the fee on the number of employees reflected on the employer's monthly certified statement for May of the preceding school year. New employers will pay late fees for the first school year as provided in subsection (f)(1) of this section.

§31.3. Return-to-Work Employer Pension Surcharge.

(a) For each report month a retiree is employed by an employer for more than 92 hours in a calendar month and that retiree is not exempt from surcharge under subsection (b) of this section, the employer shall pay to TRS a surcharge based on the compensation paid to the retiree during that report month. The criteria used to determine if a retiree is working more than 92 hours in a calendar month are the same as the criteria for determining one-half time employment under §31.13 of this title (relating to One-half Time Employment) even if the retiree's employment also qualifies for an exception under §31.14 of this title (relating to Full-time Employment after 12 Consecutive Month Break in Service), or §31.15 of this title (relating to Tutors under Education Code §33.913).

(b) Employers are not required to submit employer surcharges based on the employment of a retiree during a calendar month if:

(1) the retiree works 92 hours or less during the applicable report month;

(2) the retiree retired prior to September 1, 2005;

(3) the retiree is employed solely as a substitute and that employment meets all the requirements §31.12 of this title (relating to Substitute Service) even if the retiree's substitute employment also qualifies for another exception under Subchapter B of this chapter (relating to Employment After Retirement Exceptions); or

(4) the retiree is employed in multiple positions during the calendar month and does not exceed the limits for such combined employment under §31.19 of this title (relating to Combining EAR Exceptions and Employer Surcharges).[; or

[(5) the retiree's employment is in a position that qualifies as a federally-funded COVID-19 position under §31.16 of this title (relating to Federally-funded COVID-19 Personnel) and Government Code §824.6021.]

(c) The amount of the employer surcharge that an employer must contribute to TRS for each retiree subject to surcharge under this section is equal to the sum of the compensation paid to the retiree during the report month multiplied by the member contribution rate in effect for the report month plus the compensation paid to the retiree during the report month multiplied by the state contribution rate in effect for that report month.

(d) If a retiree is employed concurrently in more than one position, the employer surcharge is owed if the combined employment exceeds the monthly limits described by §31.19 of this title. If the employment is with more than one employer, the employer surcharge is owed by each employer.

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

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Don Green
Chief Financial Officer
Teacher Retirement System of Texas
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For further information, please call: (512) 542-6506

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SUBCHAPTER B. EMPLOYMENT AFTER RETIREMENT EXCEPTIONS

34 TAC §§31.12, 31.13, 31.15, 31.18, 31.19

STATUTORY AUTHORITY

The proposed amended rules are proposed under the authority of Government Code §824.604, which authorizes TRS to adopt rules necessary for administering the requirements of Subchapter G of Chapter 824, Government Code, which relates to loss of benefits on resumption of TRS service after retirement; and Gov-

ernment Code §825.102, which authorizes the board of trustees to adopt rules for the transaction of the business of the board.

CROSS-REFERENCE TO STATUTE

The proposed amended rules affect the following statutes: Subchapter G of Chapter 824, Government Code, which relates to loss of benefits on resumption of TRS service after retirement; and Government Code §825.4092, which relates to employer contributions for employed retirees.

§31.12. Substitute Service.

(a) In this section, "substitute' means a retiree employed by a Texas public educational institution and paid no more than the daily rate of pay for substitutes as set by the employer to work:

(1) on a temporary basis in the place of a current employee(s); or

(2) in a vacant position for no more than 20 days if the retiree was not the last person to hold the vacant position and the retiree has not previously been employed in that vacant position during the same school year.[; ~~or~~]

[~~(3) on a temporary basis to monitor an in-person class while the classroom teacher temporarily instructs the class virtually.~~]

(b) A retiree may be employed in a month solely as a substitute in a public educational institution without forfeiting the annuity payment for that month.

(c) A retiree who reports for duty as a daily substitute during any day and works any portion of that day shall be considered to have worked one day.

(d) A disability retiree may not be employed as a substitute under this section for more than 90 days in a school year. A disability retiree who works more than 90 days in a substitute position shall forfeit the disability retiree's annuity for the month during which the disability retiree exceeded 90 days and in each subsequent month during the same school year that the disability retiree is employed by a Texas public educational institution.

§31.13. One-half Time Employment.

(a) A retiree may be employed by a Texas public educational institution in any position, other than as a substitute, on as much as a one-half time basis without forfeiting annuity payments for the applicable months of employment. In this section, one-half time basis means no more than 92 hours in a calendar month. The total number of hours allowed for that month may be worked in any arrangement or schedule.

(b) Paid time-off, including sick leave, vacation leave, administrative leave, and compensatory time for overtime worked, is employment for purposes of this section and must be included in determining the total amount of time worked in a calendar month and reported to TRS as employment for the calendar month in which it is taken.

(c) For the purpose of this section, employment as an instructor for actual course or lab instruction with an institution of higher education (including community and junior colleges and online coursework) in classes taken by students for college credit or classes that are taken to prepare students for college level work shall be counted as a minimum of two clock hours for each clock hour of instruction or time in the classroom or lab in order to reflect instructional time as well as preparation, grading, and other time typically associated with one hour of instruction. If the employer has established a greater amount of preparation time for each hour in the classroom or lab, the employer's established standard will be used to determine the number of courses or labs a retiree may teach under the exception to loss of annuity provided by this section. The equivalent clock hours computed under this subsection must be equal to or less than the number of work hours authorized in subsection (a) of this section for the retiree to be considered as working on a one-half time basis.

(d) Employment as an instructor of continuing education, adult education, or classes offered to employers or businesses for employee training, that is not measured or expressed in terms of the number of courses; semester or course hours/credits; or instructional units or other units of time rather than clock hours and for which the students or participants do not receive college credit, must be counted based on the number of clock hours worked.

(e) A disability retiree may not be employed on as much as a one-half time basis under this section for more than 90 days in a school year. A disability retiree who works more than 90 days on as much as one-half time basis under this section shall forfeit the disability retiree's annuity for the month during which the disability retiree exceeded 90 days and in each subsequent month during the same school year that the disability retiree is employed by a Texas public educational institution.

(f) For the purposes of calculating the number of days worked by a disability retiree has worked during a school year under this section, working any part of a day counts as working the entire day.

§31.15. Tutors under Education Code §33.913.

(a) Except as provided by §31.18 of this title (relating to Combining EAR Exceptions) and subsection (b) of this section, a retiree may be employed by a Texas public educational institution in a tutoring position that meets the requirements of Section 33.913 of the Education Code for any number of hours or days during a month without being subject to the forfeiture requirements of §31.4 of this title (relating to Employment Resulting in Forfeiture of Retirement Annuity).

(b) A disability retiree may not be employed [~~on~~] as a tutor under this section for more than 90 days in a school year. A disability retiree who works more than 90 days [~~on~~] as a tutor under this section shall forfeit the disability retiree's annuity for the month during which the disability retiree exceeded 90 days and in each subsequent month during the same school year that the disability retiree is employed by a Texas public educational institution.

(c) For the purposes of calculating the number of days worked by a disability retiree has worked during a school year under this section, working any part of a day counts as working the entire day.

§31.18. Combining EAR Exceptions.

(a) If, during a calendar month, a retiree works in a position subject to more than one exception under this subchapter or in multiple positions subject to different exceptions under this subchapter and the retiree does not qualify for the twelve-month separation exception under §31.14 of this title (relating to Full-time Employment after 12 Consecutive Month Break in Service), TRS shall use the following standards to determine whether the retiree's employment still meets the requirements of each applicable exception or if the retiree is subject to §31.4 of this title (Employment Resulting in Forfeiture of Retirement Annuity) based on that employment.

(b) If a retiree combines substitute service under §31.12 of this title (relating to Substitute Service) with one-half time employment under §31.13 of this title (relating to One-half Time Employment) in a calendar month and the retiree's employment in either position does not qualify for any other exceptions under this subchapter, then the retiree may not work more than 11 days combined during that month in the two or more positions.

(c) If, during a calendar month, a retiree works in more than one position and each qualifies as one-half time employment under §31.13 of this title and the retiree's employment in either position does

not qualify for any other exceptions under this subchapter, then the retiree may not work more than 92 total hours in the combined positions.

(d) If a disability retiree combines substitute service under §31.12 of this title, one-half time employment under §31.13 of this title, or employment as a tutor under §31.15 of this title (relating to Tutors under Education Code §33.913) in a school year, each day worked under any of those three exceptions counts toward the maximum of 90 days that a disability retiree may work under any of the exceptions so that a disability retiree may never work more than a total of 90 days combined under the three exceptions.

(e) If, during a calendar month, a retiree works more than one-half time in a position that qualifies for the tutor exception under §31.15 of this title, then the retiree may not work in any other position for a Texas public educational institution without being subject to the forfeiture requirements of §31.4 of this title unless:

(1) the other position qualifies as substitute service and all the retiree's employment under the tutor exception under §31.15 of this title also qualifies as substitute service; or

(2) the other position qualifies for the tutor exception under §31.15 of this title [~~or the COVID-19 position exception under §31.16 of this title (relating to Federally-funded COVID-19 Personnel)~~].

(f) If, during a calendar month, a retiree works in a position that qualifies as substitute or as one-half time or less employment and that position also qualifies for the tutor exception under §31.15 of this title, then the retiree may combine work in that position with any other work that qualifies under the substitute exception under §31.12 of this title and one-half time employment under §31.13 of this title provided the retiree's combined work during the calendar month does not exceed the limits provided by subsection (b) and (c) of this section, as applicable.

[~~(g) If, during a calendar month, a service retiree combines the federally-funded COVID-19 position exception under §31.16 of this title with employment under any other exception under this subchapter, then the service retiree's employment under the federally-funded COVID-19 position exception shall be accounted for separately from the service retiree's employment under any other exception under this subchapter. Hours or days worked under the federally-funded COVID-19 exception do not count toward or impact a retiree's employment under any other exception under this subchapter.~~]

(g) [~~(h)~~] A service retiree employed under the twelve-month separation exception under §31.14 of this title may be employed up to full-time by one or more Texas public educational institutions in one or more positions without limit under this section.

(h) [~~(i)~~] If, during a calendar month, a retiree's position qualifies for more than one exception under this subchapter [~~other than the federally-funded COVID-19 exception under §31.16 of this title~~], the retiree's position shall be subject to all monthly limits on that position under all applicable exceptions. If the limit under the applicable exceptions conflict or if one exception is more restrictive than the other, the least restrictive exception on a retiree's employment after retirement shall apply. [~~If a service retiree's employment qualifies for the federally-funded COVID-19 exception under §31.16 of this title, it shall only be subject to the requirements of that section.~~]

(i) [~~(j)~~] For the purposes of this section, a retiree who works part of a day is considered to have worked the entire day.

§31.19. Combining EAR Exceptions and Employer Surcharges.

(a) If, during a calendar month, a retiree works in a position subject to more than one exception under this subchapter or in multiple positions subject to different exceptions under this subchapter, TRS shall use the following standards to determine whether the retiree's employment requires an employer to pay the return-to-work pension surcharge under §31.3 of this title (relating to Return-to-Work Employer Pension Surcharges).

(b) If a retiree combines substitute service under §31.12 of this title (relating to Substitute Service) with one-half time employment under §31.13 of this title (relating to One-half Time Employment) in a calendar month, then the employer employing the retiree must remit the employer surcharge to TRS if the retiree works more than 11 total days in both positions combined.

(c) If, during a calendar month, a retiree combines substitute service under §31.12 of this title with work that qualifies for the tutor exception under §31.15 of this title (relating to Tutors under Education Code §33.913), then the employer must remit the employer surcharge to TRS based on that combined employment unless:

(1) all of the retiree's employment under the tutor exception also qualifies as substitute service; or

(2) the retiree's non-substitute employment under the tutor exception does not exceed 92 hours in the calendar month when not combined with the retiree's substitute service and the retiree's total employment does not exceed 11 total days worked under both exceptions during the month.

(d) If, during a calendar month, a retiree combines one-half time employment under §31.13 of this title with non-substitute work under the tutor exception under §31.15 of this title, the employer must remit the employer surcharge to TRS if the retiree works more than 92 combined hours in all positions. If the retiree's employment under the tutor exception also qualifies as substitute service, then the employer must remit the employer surcharge if the retiree works more than 11 total days during the month in the combined tutor position and the non-tutor one-half time position.

[~~(e) If, during a calendar month, a service retiree combines the federally-funded COVID-19 position exception under §31.16 of this title (relating to Federally-funded COVID-19 Personnel) solely with employment that qualifies as substitute service under §31.12 of this title, then an employer is not required to remit an employer surcharge to TRS for that retiree.~~]

[~~(f) If, during a calendar month, a service retiree combines the federally-funded COVID-19 position exception under §31.16 of this title with one-half time employment under §31.13 of this title, any hours worked by a retiree under the federally-funded COVID-19 exception will not count toward the 92 hours under the one-half time employment exception that a retiree may work before the employer must remit the employer surcharge.~~]

[~~(g) If, during a calendar month, a service retiree combines the federally-funded COVID-19 position exception under §31.16 of this title with work under the full-time employment after a twelve-month separation exception under §31.14 of this title (relating to Full-time Employment after 12 Consecutive Month Break in Service), any hours or days worked by a retiree under the federally-funded COVID-19 exception will not count toward the determination of whether the retiree worked more than 92 total hours during that month and the employer surcharge is due for that month.~~]

[~~(h) If, during a calendar month, a service retiree combines non-substitute work under either the tutor exception under §31.15 of this title with work under the federally-funded COVID-19 position exception under §31.16 of this title, any hours or days the retiree works under the federally-funded COVID-19 position exception shall not be counted in determining whether the retiree's worked more than 92 hours during the month and the employer surcharge is due for that month.~~]

~~[(i) If, during a calendar month, a retiree's employment in a position qualifies for the federally-funded COVID-19 position exception under §31.16 of this title and another exception under this subchapter that is subject to surcharge, work performed in that position is not subject to surcharge so long as the work continues to qualify for the federally-funded COVID-19 position exception.]~~

(e) [~~(j)~~] If, during a calendar month, a retiree's employment in a position that qualifies for as substitute service under §31.12 of this title and another exception under this subchapter that is subject to surcharge, work performed in that position is not subject to surcharge so long as the work continues to qualify as substitute service and is not combined with work in another position that is subject to surcharge during the same month.

(f) [~~(k)~~] For the purposes of this section, a retiree who works part of a day is considered to have worked the entire day.

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

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Don Green
Chief Financial Officer
Teacher Retirement System of Texas
Earliest possible date of adoption: December 6, 2026
For further information, please call: (512) 542-6506

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34 TAC §31.16

STATUTORY AUTHORITY

The proposed repealed rule is proposed under the authority of Government Code §824.604, which authorizes TRS to adopt rules necessary for administering the requirements of Subchapter G of Chapter 824, Government Code, which relates to loss of benefits on resumption of TRS service after retirement; and Government Code §825.102, which authorizes the board of trustees to adopt rules for the transaction of the business of the board.

CROSS-REFERENCE TO STATUTE

The proposed repealed rule affects the following statutes: Subchapter G of Chapter 824, Government Code, which relates to loss of benefits on resumption of TRS service after retirement; and Government Code §825.4092, which relates to employer contributions for employed retirees.

§31.16. Federally-funded COVID-19 Personnel.

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 October 27, 2026.

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Don Green
Chief Financial Officer
Teacher Retirement System of Texas
Earliest possible date of adoption: December 6, 2026
For further information, please call: (512) 542-6506

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CHAPTER 39. PROOF OF AGE

34 TAC §39.1

The Teacher Retirement System of Texas (TRS) proposes to repeal §39.1 (relating to Establishment of Date of Birth) of Chapter 39 (relating to Proof of Age) in Title 34, Part 3, of the Texas Administrative Code.

BACKGROUND AND PURPOSE

In TRS' adopted four-year rule review published in the *Texas Register* on August 7, 2026 (51 TexReg 5257), TRS identified §39.1 as a rule for future repeal because §39.1 provides no substantive requirements that require a rule. For this reason, TRS now proposes to repeal this rule. Further, because §39.1 is the only rule in Chapter 39 of TRS rules, TRS also proposes the repeal of Chapter 39.

FISCAL NOTE

Don Green, TRS Chief Financial Officer, has determined that for each year of the first five years the proposed repeal will be in effect, there will be no foreseeable fiscal implications to state or local governments as a result of administering the proposed repeal.

PUBLIC COST/BENEFIT

For each year of the first five years the proposed repeal will be in effect, Mr. Green also has determined that the public benefit anticipated as a result of adopting the proposed repeal will be to remove an unnecessary rule from the Texas Administrative Code. Mr. Green has also determined that there is no economic cost to entities or persons required to comply with the proposed repeal. The repeal imposes no new requirements.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS

TRS has determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities as a result of the proposed repeal. Therefore, neither an economic impact statement nor a regulatory flexibility analysis is required under Government Code §2006.002.

LOCAL EMPLOYMENT IMPACT STATEMENT

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

GOVERNMENT GROWTH IMPACT STATEMENT

TRS has determined that for the first five years the proposed repeal will be in effect the proposed repeal will not create or eliminate a government program; will not require the creation or elimination of employee positions; will not require an increase or decrease in future legislative appropriations to TRS; will not require an increase or decrease in fees paid to TRS; will not create a new regulation; will not expand or limit an existing regulation; will not increase or decrease the number of individuals subject to the rule's applicability; and will not affect the state's economy.

The proposed repeal does, however, repeal §39.1.

TAKINGS IMPACT ASSESSMENT

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

COSTS TO REGULATED PERSONS

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

COMMENTS

TRS requests written comments regarding the proposed repeal. The comments may include information related to the costs, benefits, or effects of the proposed repeal, including any applicable data, research, or analysis, from any person required to comply with the proposed repeal or any other interested person.

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

STATUTORY AUTHORITY

The repeal of §39.1 is proposed under the authority of Government Code §825.102 which authorizes the TRS Board of Trustees to adopt rules for the eligibility for membership, the administration of the funds of the retirement system, and the transaction of business of the board.

CROSS-REFERENCE TO STATUTE

The proposed repeal of §39.1 implements Government Code §825.102.

§39.1. Establishment of Date of Birth.

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

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Don Green
Chief Financial Officer
Teacher Retirement System of Texas
Earliest possible date of adoption: December 6, 2026
For further information, please call: (512) 542-6506

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CHAPTER 43. CONTESTED CASES

The Teacher Retirement System of Texas (TRS) proposes amendments to the following rules in Chapter 43 (relating to Contested Cases) in Part 3 of Title 34 of the Texas Administrative Code: §§43.1 - 43.3, and 43.5 of Subchapter A (relating to General Administration) and §43.106 of Subchapter B (relating to Requests for Adjudicative Hearing). TRS also proposes to repeal Subchapter C (relating to Hearings Not Docketed at SOAH) of Chapter 43 in Part 3 of Title 34 of the Texas Administrative Code and the following rules in Subchapter C: §§43.201 - 43.228.

BACKGROUND AND PURPOSE

TRS proposes to amend five rules (§§43.1 - 43.3, 43.5, and 43.106) and repeal twenty-eight rules (§§43.201 - 43.228) in Chapter 43 of TRS rules to implement the determinations made by the TRS Board of Trustees in TRS's recently adopted rule review published in the *Texas Register* on August 7, 2026 (51 TexReg 5257). The proposed amendments are all either minor, nonsubstantive revisions or conforming amendments necessary because of the proposed repealed rules. The rules proposed for repeal are no longer necessary for administration of the TRS pension plan.

SECTION-BY-SECTION SUMMARY

The proposed amendments to §§43.1 (relating to Applicability), 43.2 (relating to Definitions), 43.5 (relating to Extensions), and 43.106 (relating to Authority to Grant Relief) delete references to administrative law judges not affiliated with the State Office of Administrative Hearings (SOAH) because TRS does not employ or contract with administrative law judges not affiliated with SOAH and, instead, dockets all contested case hearings at SOAH.

For the same reason, TRS proposes to repeal §§43.201 (relating to Applicability), 43.202 (relating to Form of Pleadings), 43.203 (relating to Filing of Pleadings and Amendments), 43.204 (relating to Briefs), 43.205 (relating to Motions), 43.206 (relating to Discovery), 43.207 (relating to Notice of Hearing and Other Action), 43.208 (relating to Agreements to be in Writing), 43.209 (relating to Motion for Consolidation), 43.210 (relating to Additional Parties), 43.211 (relating to Appearance and Representation), 43.212 (relating to Lead Counsel), 43.213 (relating to Powers of the Administrative Law Judge), 43.214 (relating to Prehearing Conference and Orders), 43.215 (relating to Conduct of Hearing), 43.216 (relating to General Admissibility), 43.217 (relating to Exhibits), 43.218 (relating to Pre-filed Direct Testimony in Disability Appeal Proceedings), 43.219 (relating to Limit on Number of Witnesses), 43.220 (relating to Failure to Appear), 43.221 (relating to Conduct and Decorum at Hearing), 43.222 (relating to Official Notice), 43.223 (relating to Recording of the Hearing; Certified Language Interpreter), 43.224 (relating to Dismissal Without Hearing), 43.225 (relating to Summary Disposition), 43.226 (relating to The Record), 43.227 (relating to Findings of Fact), and 43.228 (relating to Reopening of Hearing). All of these rules only apply to hearings for which TRS employs or contracts with an administrative law judge not affiliated with SOAH, and, as stated, TRS does not use such a process.

TRS proposes to amend §43.3 (relating to Filing of Documents) in order to remove reference to administrative law judges not affiliated with SOAH and to update TRS' street address to its current street address.

FISCAL NOTE

Don Green, TRS Chief Financial Officer, has determined that for each year of the first five years the proposed amended and proposed repealed rules will be in effect, there will be no foreseeable fiscal implications for state or local governments as a result of administering the proposed amended and repealed rules.

PUBLIC COST/BENEFIT

For each year of the first five years the proposed amended and repealed rules will be in effect, Mr. Green also has determined that the public benefit anticipated as a result of adopting the proposed amended and repealed rules will be to remove outdated references and unnecessary rules from TRS rules. In addition,

Mr. Green has determined that the public will benefit from increased readability of the proposed amended rules.

Mr. Green has also determined that the public will incur no new costs as a result of complying with the proposed amended and repealed rules.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS

TRS has determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities as a result of the proposed amended and repealed rules. Therefore, neither an economic impact statement nor a regulatory flexibility analysis is required under Government Code §2006.002.

LOCAL EMPLOYMENT IMPACT STATEMENT

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

GOVERNMENT GROWTH IMPACT STATEMENT

TRS has determined that for the first five years the proposed amended and repealed rules are in effect, the proposed amended and repealed rules will not create or eliminate any TRS programs; will not require the creation or elimination of employee positions; will not require an increase or decrease in future legislative appropriations to TRS; will not eliminate any fees currently paid to TRS; will not create a new regulation; will not expand or limit an existing regulation; will not increase or decrease the number of individuals subject to the rules' applicability; and will not affect the state's economy.

The proposed repealed rules, however, will repeal §§43.201 - 43.228.

TAKINGS IMPACT ASSESSMENT

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

COSTS TO REGULATED PERSONS

TRS has determined that Government Code §2001.0045 does not apply to the proposed amended and repealed rules because the proposed amended and repealed rules do not impose a cost on regulated persons.

COMMENTS

TRS requests written comments regarding the proposed amendments and repeals. The comments may include information related to the costs, benefits, or effects of the proposed amendments and repeals, including any applicable data, research, or analysis, from any person required to comply with the proposed amendments or repeals or any other interested person.

Comments and information regarding the cost, benefit, and effect of the proposed amendments or repeals may be submitted in writing to Brian Guthrie, TRS Executive Director, P.O. Box 149676, Austin, Texas 78714-0185. Written comments and cost/benefit information must be received by TRS no later than 30 days after publication of this notice in the *Texas Register*.

SUBCHAPTER A. GENERAL ADMINISTRATION

34 TAC §§43.1 - 43.3, 43.5

STATUTORY AUTHORITY

The proposed amended rules are proposed under the authority of Government Code §825.102, which authorizes the Board to adopt rules for eligibility for membership, the administration of the funds of the retirement system, and the transaction of business of the Board; and Government Code §825.115(b), which authorizes the Board to adopt rules relating to the authority of the Board to make a final decision in a contested case or delegate its authority.

CROSS-REFERENCE TO STATUTE

The proposed amended rules affect Government Code §825.115, which authorizes the Board to adopt rules relating to the authority of the Board to make a final decision in a contested case or delegate its authority.

§43.1. Applicability.

(a) The procedures of this chapter apply only to administrative decisions, appeals, and adjudicative hearings relating to the TRS pension plan, unless rules relating to other programs specifically adopt by reference the provisions of this chapter.

(b) The procedures of this chapter do not apply to determinations of whether a domestic relations order is a qualified domestic relations order (QDRO) under Chapter 47 of this title (relating to Qualified Domestic Relations Orders). Appeals relating to QDROs are subject to the requirements of Chapter 47.

(c) If a contested case under this chapter is referred to the State Office of Administrative Hearings (SOAH) for adjudicative hearing, then during the period of time the case is before SOAH, the procedural rules for SOAH (1 TAC Chapter 155) shall apply unless inconsistent with applicable statutes or constitutional provisions. [~~If a matter is referred for an adjudicative hearing to a hearing official not affiliated with SOAH, then the rules of Subchapter C of this chapter (relating to Hearings Not Docketed at SOAH) shall apply to the conduct of the hearing while pending before the hearing official.~~]

§43.2. Definitions.

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

(1) Administrative law judge--An individual appointed to conduct the adjudicative hearing in a contested case. [~~The deputy director may refer an appeal to be heard by an administrative law judge employed by the State Office of Administrative Hearings or may employ, select, or contract for the services of another administrative law judge or hearing examiner to conduct a hearing.~~]

(2) Appeal--A formal request to the executive director or board, as applicable under this chapter, to reverse or modify a final administrative decision by the chief benefit officer or the Medical Board on a matter over which TRS has jurisdiction and authority to grant relief.

(3) Board--The Board of Trustees of TRS.

(4) Chief Benefit Officer--The Chief Benefit Officer of TRS or person acting in that position.

(5) Contested case--A proceeding in which the legal rights, duties, or privileges of a party are to be determined by TRS after an opportunity for adjudicative hearing on a matter over which TRS has jurisdiction and authority to grant relief and the relief sought does not conflict with the terms of the pension plan.

(6) Deputy Director--The Deputy Director of TRS or person acting in that position.

(7) Executive director--The executive director of TRS or person acting in that position; when the executive director determines that a need exists, the executive director at his or her discretion may designate a person to accomplish the duties assigned in this chapter to the executive director.

(8) Final administrative decision--An action, determination, or decision by the chief benefit officer or the Medical Board, as applicable, based on review of a person's request on an administrative basis (i.e., without an adjudicative hearing).

(9) Final decision of TRS--A decision that may not be appealed further within TRS, either because of exhaustion of all opportunities for appeal within TRS or because of a failure to appeal the decision further within TRS in the manner provided for in this chapter.

(10) Medical board--The medical board appointed by the TRS board of trustees under Government Code §825.204.

(11) Member--A person who is a member, retiree, or beneficiary of TRS.

(12) Order--The whole or a part of the final disposition of an appeal, whether affirmative, negative, injunctive, or declaratory in form, of the executive director, deputy director, or the board in a contested case.

(13) Party--Each person named or admitted in a contested case.

(14) Person--Any natural person or other legal entity.

(15) Pleading--A written document that is submitted by a party, by TRS staff, or by a person seeking to participate in a case as a party and that requests procedural or substantive relief, makes claims or allegations, presents legal arguments, or otherwise addresses matters involved in a contested case.

(16) SOAH--The State Office of Administrative Hearings.

(17) State Office of Administrative Hearings--The state agency established by Chapter 2003, Government Code, which may serve as the forum for the conduct of an adjudicative hearing upon referral of an appeal by TRS.

(18) Third party respondent or petitioner--A person joined as an additional party to a proceeding; a party shall be designated as either a third party respondent or third party petitioner based on whether the person opposes the action requested in the petition or supports it or whether the person's interests are aligned with petitioner or respondent.

(19) TRS--The Teacher Retirement System of Texas.

(20) Trustee--One of the members of the board.

(21) With prejudice--Barring a subsequent contested case on the same claim, allegation, or cause of action.

§43.3. Filing of Documents.

(a) All documents relating to any appeal of a final administrative decision shall be filed with the deputy director at TRS, P.O. Box 149676, Austin, Texas 78714-0185 [~~1000 Red River Street, Austin, Texas 78701-2698~~]. A document may be filed with TRS by hand-delivery, courier-receipted delivery, facsimile transmission, or regular, certified, or registered mail. A document is deemed filed when mailed if it is received by TRS within a timely manner under Rule 5 of the Texas Rules of Civil Procedure and the sender provides adequate proof of the mailing date.

(b) If the deputy director has docketed an appeal and referred it for adjudicative hearing at SOAH, documents shall be filed in accordance with the procedural rules of SOAH and served upon TRS in accordance with those rules.

[~~(c) If the deputy director has docketed an appeal and referred it to an administrative law judge or other hearing official not affiliated with SOAH, documents shall be filed with the administrative law judge and a copy provided to the TRS docket clerk during the time the matter is pending before the administrative law judge.~~]

§43.5. Extensions.

(a) Unless otherwise provided by statute, the time for filing pleadings or other documents may be extended, upon the filing of a motion, prior to the expiration of the applicable period of time, showing that there is good cause for such extension of time and that the need for the extension is not caused by the neglect, indifference, or lack of diligence of the party making the motion.

(b) A copy of any such motion shall be served upon all other parties of record to the proceeding contemporaneously with its filing.

(c) In the case of filings that initiate a proceeding or that are made before an appeal has been referred for an adjudicative hearing, the deputy director will determine whether good cause exists and whether an extension should be granted.

(d) In the case of filings made in a proceeding after TRS has referred the appeal for an adjudicative hearing, rules governing hearings before SOAH will control so long as the matter is before SOAH.

[~~(e) If a matter is referred for an adjudicative hearing to a hearing official not affiliated with SOAH, then the rules of this chapter shall apply to the conduct of the hearing while pending before the hearing official.~~]

(e) [~~(f)~~] For matters returned by an administrative law judge [~~or hearing examiner~~] to TRS, either through dismissal from the adjudicative hearing docket or through issuance of a proposal for decision, the executive director may determine whether good cause exists and whether an extension should be granted.

(f) [~~(g)~~] The executive director is authorized to rule on motions for extensions on matters directed to the Board if no Board meeting is scheduled before the expiration of the applicable period of time.

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

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Don Green
Chief Financial Officer
Teacher Retirement System of Texas
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For further information, please call: (512) 542-6506

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SUBCHAPTER B. REQUESTS FOR ADJUDICATIVE HEARING

34 TAC §43.106

STATUTORY AUTHORITY

The proposed amended rule is proposed under the authority of Government Code §825.102, which authorizes the Board to adopt rules for eligibility for membership, the administration of the funds of the retirement system, and the transaction of business of the Board; and Government Code §825.115(b), which authorizes the Board to adopt rules relating to the authority of the Board to make a final decision in a contested case or delegate its authority.

CROSS-REFERENCE TO STATUTE

The proposed amended rule affects Government Code §825.115, which authorizes the Board to adopt rules relating to the authority of the Board to make a final decision in a contested case or delegate its authority.

§43.106. Authority to Grant Relief.

(a) At any time before an appeal is referred for adjudicative hearing, the chief benefit officer or, in the matter of certification for disability retirement, the Medical Board may grant the relief sought by the petitioner and dismiss the appeal, provided that the interests of other individual parties are not adversely affected and the relief does not conflict with the terms of the pension plan.

(b) If the granted appeal has been referred to SOAH, the parties shall request that the SOAH administrative law judge dismiss the case from the SOAH docket in accordance with SOAH rules. [~~If the granted appeal was referred for an adjudicative hearing to a hearing official not affiliated with SOAH, then the rules of Subchapter C of this chapter (relating to Hearings Not Docketed at SOAH) shall apply to the dismissal of the case.~~]

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

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Don Green
Chief Financial Officer
Teacher Retirement System of Texas
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For further information, please call: (512) 542-6506

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SUBCHAPTER C. HEARINGS NOT DOCKETED AT SOAH

34 TAC §§43.201 - 43.228

STATUTORY AUTHORITY

The proposed repealed rules are proposed under the authority of Government Code §825.102, which authorizes the Board to adopt rules for eligibility for membership, the administration of the funds of the retirement system, and the transaction of business of the Board; and Government Code §825.115(b), which authorizes the Board to adopt rules relating to the authority of the Board to make a final decision in a contested case or delegate its authority.

CROSS-REFERENCE TO STATUTE

The proposed repealed rules affect Government Code §825.115, which authorizes the Board to adopt rules relating to the authority of the Board to make a final decision in a contested case or delegate its authority.

§43.201. Applicability.
§43.202. Form of Pleadings.
§43.203. Filing of Pleadings and Amendments.
§43.204. Briefs.
§43.205. Motions.
§43.206. Discovery.
§43.207. Notice of Hearing and Other Action.
§43.208. Agreements to be in Writing.
§43.209. Motion for Consolidation.
§43.210. Additional Parties.
§43.211. Appearance and Representation.
§43.212. Lead Counsel.
§43.213. Powers of the Administrative Law Judge.
§43.214. Prehearing Conference and Orders.
§43.215. Conduct of Hearing.
§43.216. General Admissibility.
§43.217. Exhibits.
§43.218. Pre-filed Direct Testimony in Disability Appeal Proceedings.
§43.219. Limit on Number of Witnesses.
§43.220. Failure to Appear.
§43.221. Conduct and Decorum at Hearing.
§43.222. Official Notice.
§43.223. Recording of the Hearing; Certified Language Interpreter.
§43.224. Dismissal without Hearing.
§43.225. Summary Disposition.
§43.226. The Record.
§43.227. Findings of Fact.
§43.228. Reopening of Hearing.

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

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Don Green
Chief Financial Officer
Teacher Retirement System of Texas
Earliest possible date of adoption: December 6, 2026
For further information, please call: (512) 542-6506

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CHAPTER 47. QUALIFIED DOMESTIC RELATIONS ORDERS

34 TAC §47.16

The Teacher Retirement System of Texas (TRS) proposes to repeal §47.16 (relating to Effective Date of TRS Review of Orders) of Chapter 47 (relating to Qualified Domestic Relations Orders) in Title 34, Part 3, of the Texas Administrative Code.

BACKGROUND AND PURPOSE

In TRS' adopted four-year rule review published in the *Texas Register* on August 7, 2026 (51 TexReg 5257), TRS identified §47.16 as a rule for future repeal because TRS has determined

that no domestic relations orders remain that could be subject to this rule. For this reason, TRS now proposes to repeal this rule.

FISCAL NOTE

Don Green, TRS Chief Financial Officer, has determined that for each year of the first five years the proposed repeal will be in effect, there will be no foreseeable fiscal implications to state or local governments as a result of administering the proposed repeal.

PUBLIC COST/BENEFIT

For each year of the first five years the proposed repeal will be in effect, Mr. Green also has determined that the public benefit anticipated as a result of adopting the proposed repeal will be to remove an unnecessary rule from the Texas Administrative Code. Mr. Green has also determined that there is no economic cost to entities or persons required to comply with the proposed repeal. The repeal imposes no new requirements.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS

TRS has determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities as a result of the proposed repeal. Therefore, neither an economic impact statement nor a regulatory flexibility analysis is required under Government Code §2006.002.

LOCAL EMPLOYMENT IMPACT STATEMENT

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

GOVERNMENT GROWTH IMPACT STATEMENT

TRS has determined that for the first five years the proposed repeal will be in effect the proposed repeal will not create or eliminate a government program; will not require the creation or elimination of employee positions; will not require an increase or decrease in future legislative appropriations to TRS; will not require an increase or decrease in fees paid to TRS; will not create a new regulation; will not expand or limit an existing regulation; will not increase or decrease the number of individuals subject to the rule's applicability; and will not affect the state's economy.

The proposed repeal does, however, repeal §47.16

TAKINGS IMPACT ASSESSMENT

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

COSTS TO REGULATED PERSONS

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

COMMENTS

TRS requests written comments regarding the proposed repeal. The comments may include information related to the costs, benefits, or effects of the proposed repeal, including any applicable data, research, or analysis, from any person required to comply with the proposed repeal or any other interested person.

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

STATUTORY AUTHORITY

The repeal of §47.16 is proposed under the authority of Government Code §825.102 which authorizes the TRS Board of Trustees to adopt rules for the eligibility for membership, the administration of the funds of the retirement system, and the transaction of business of the board.

CROSS-REFERENCE TO STATUTE

The proposed repeal of §47.16 implements Government Code §825.102.

§47.16. Effective Date of TRS Review of Orders.

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 October 26, 2026.

TRD-202604518
Don Green
Chief Financial Officer
Teacher Retirement System of Texas
Earliest possible date of adoption: December 6, 2026
For further information, please call: (512) 542-6506

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PART 4. EMPLOYEES RETIREMENT SYSTEM OF TEXAS

CHAPTER 79. SOCIAL SECURITY

The Employees Retirement System of Texas (ERS) proposes amendments to 34 Texas Administrative Code (TAC) Chapter 79, Social Security, by amending §79.3 (Reporting Procedures) and repealing §79.4 (Reporting Periods), §79.5 (Examination of Records), §79.7 (Correction of Errors and Collection of Accounts Due), §79.9 (Reporting Official), §79.11 (State Holidays), §79.13 (Sick Pay Adjustments to Covered Wages), and §79.15 (Reporting Errors).

ERS was created by the Texas Constitution and administers a constitutional trust fund, as currently set forth in Tex. Const. art. XVI, §67. ERS is further organized pursuant to Title 8, Tex. Gov't Code, as well as 34 Texas Administrative Code, §§61.1 *et seq.*

The amendments and repeal of specified sections, removes obsolete language which references the reporting of wages to ERS by local political subdivisions participating in the Social Security and Medicare programs, as well as social security reporting by state agencies. As background, the Federal Social Security Act was expanded in 1951 to allow states to enter into voluntary agreements with the Social Security Administration (SSA) for Social Security coverage for state employees and to extend coverage to employees of local political subdivisions (cities, counties, utility districts, etc.) through separate amendments to the state's single agreement with the SSA. Initially, local political subdivisions reported Social Security and Medicare wages to ERS, which in turn necessitated administrative rules governing reporting. However, local political subdivisions now report wages di-

rectly to the Internal Revenue Service (IRS). Consequently, ERS no longer receives or audits wage reports from local political subdivisions, and the agency's role in program administration is largely limited to assisting local political subdivisions with obtaining coverage, drafting or modifying amendments to the state's agreement with the SSA, and maintaining existing agreements. ERS no longer takes the actions described in these rules, and the obsolete language can be removed without impact to program administration. Further, adoption of the proposed amendments does not require any change in practice among local political divisions, state agencies, ERS, or the IRS and will serve to better align the rules with current requirements.

GOVERNMENT GROWTH IMPACT STATEMENT

ERS has determined that during the first five-year period the amendments and repeals will be in effect:

(1) the proposed amendments and repeals will not create or eliminate a government program;

(2) implementation of the proposed amendments and repeals will not require the creation of new employee positions or eliminate existing employee positions;

(3) implementation of the proposed amendments will not require an increase or decrease in future legislative appropriations to the agency;

(4) the proposed amendments and repeals will not require an increase or decrease in fees paid to the agency;

(5) the proposed amendments and repeals will not create a new rule or regulation;

(6) the proposed amendments amends and repeals existing rules;

(7) the proposed amendments and repeals will not increase or decrease the number of individuals subject to the rules' applicability; and

(8) the proposed amendments and repeals will not positively or adversely affect the state's economy.

Mrs. Anne Allensworth, Enterprise Efficiency Director, has determined that for the first five-year period the amendments and repeals are in effect, there will be no fiscal implication for state or local government or local economies as a result of enforcing or administering the amended or repealed rules; and small businesses, micro-businesses, and rural communities will not be affected.

The proposed amendments and repeals do not constitute a taking. Mrs. Allensworth has also determined that, to her knowledge, there are no known anticipated economic effects for persons who are required to comply with the amendments and repeals as proposed, and the proposed amendments and repeals do not impose a cost on regulated persons.

Mrs. Allensworth also determined that for each year of the first five years the amendments and repeals are in effect, the public benefit anticipated as a result of adopting the amendments and repeals would be that rules connected with the program would better reflect current federal and state administrative requirements.

Comments on the proposed amendments and repeals may be submitted to Cynthia C. Hamilton, General Counsel and Chief Compliance Officer, Employees Retirement System of Texas, P.O. Box 13207, Austin, Texas 78711-3207, or you may email Ms. Hamilton at *General.Counsel@ers.texas.gov*. The deadline for receiving comments is Monday, December 6, 2026, at 10:00 a.m.

34 TAC §79.3

The amendments are proposed pursuant to Tex. Gov't Code §606.023 and §606.070, which explicitly authorize the ERS Board of Trustees to (1) adopt rules that it finds necessary to govern the application for and the eligibility of employees of a political subdivision to obtain social security coverage and (2) adopt rules and require state agencies to file reports regarding social security coverage for state employees. This explicit authority includes implied authority to amend and repeal such rules.

No other statutes are affected by the proposed amendments.

§79.3. Reporting Procedures.

An employing entity that is subject to Tex. Gov't Code Chapter 606 shall submit [~~Each reporting entity shall make reports and payment in such manner and form as the executive director may require for periods prior to January 1, 1987, regular reports to ERS are required. On and after January 1, 1987, only such~~] reports to ERS as [~~may be~~] requested by the executive director in order to administer the provisions of Chapter 606 [~~or designee are required~~]. On and after January 1, 1987, including retroactive periods, all employing entities also have payment and reporting responsibilities directly to the Internal Revenue Service (IRS).

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 October 19, 2026.

TRD-202604435
Cynthia C. Hamilton
General Counsel and Chief Compliance Officer
Employees Retirement System of Texas
Earliest possible date of adoption: December 6, 2026
For further information, please call: (877) 275-4377

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34 TAC §§79.4, 79.5, 79.7, 79.9, 79.11, 79.13, 79.15

The repeal is proposed pursuant to Tex. Gov't Code §606.023 and §606.070, which explicitly authorize the ERS Board of Trustees to (1) adopt rules that it finds necessary to govern the application for and the eligibility of employees of a political subdivision to obtain social security coverage and (2) adopt rules and require state agencies to file reports regarding social security coverage for state employees. This explicit authority includes implied authority to amend and repeal such rules.

No other statutes are affected by the proposed repeal.

§79.4. Reporting Procedures.

§79.5. Examination of Records.

§79.7. Correction of Errors and Collection of Accounts Due.

§79.9. Reporting Official.

§79.11. State Holidays.

§79.13. Sick Pay Adjustments to Covered Wages.

§79.15. Reporting Errors.

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 October 19, 2026.

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Cynthia C. Hamilton
General Counsel and Chief Compliance Officer
Employees Retirement System of Texas
Earliest possible date of adoption: December 6, 2026
For further information, please call: (877) 275-4377

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CHAPTER 82. HEALTH SERVICES IN STATE OFFICE COMPLEXES

The Employees Retirement System of Texas (ERS) proposes amendments to 34 Texas Administrative Code (TAC) Chapter 82, concerning Health Services in State Office Complexes, by amending §82.1 (Definitions), §82.3 (Administration), and §82.5 (Eligibility) and repealing §82.7 (Enrollment and Participation) and §82.9 (Termination).

ERS was created by the Texas Constitution and administers a constitutional trust fund, as currently set forth in Tex. Const. art. XVI, §67. ERS is further organized pursuant to Title 8, Tex. Gov't Code, as well as 34 Texas Administrative Code, §§61.1 *et seq.*

Amendments are proposed to §82.1 (Definitions) to update and refine language in the definitions, to eliminate a definition that is unnecessary because the same term ("board") is defined in Chapter 61, and to remove unnecessary language referencing a specific piece of legislation and legislative session; to §82.3 (Administration) to remove obsolete and duplicative language and to combine language from another section (§82.9) regarding the delegation of authority from the Board of Trustees to the Executive Director to continue or terminate a facility; to §82.5 (Eligibility) to remove duplicative language; to §82.7 (Enrollment and Participation) to remove a section that consists entirely of unnecessary language; and to §82.9 (Termination) to remove unnecessary language that repeats the program's enabling statute and to allow for the remaining language regarding the Executive Director's authority to be combined into §82.3. Adoption of the proposed amendments will not require any change in practice among state agencies, providers, or ERS, and will only serve to better align program rules with established practice.

GOVERNMENT GROWTH IMPACT STATEMENT

ERS has determined that during the first five-year period the amendments will be in effect:

(1) the proposed amendments will not create or eliminate a government program;

(2) implementation of the proposed amendments will not require the creation of new employee positions or eliminate existing employee positions;

(3) implementation of the proposed amendments will not require an increase or decrease in future legislative appropriations to the agency;

(4) the proposed amendments will not require an increase or decrease in fees paid to the agency;

(5) the proposed amendments will not create a new rule or regulation;

(6) the proposed amendments will not expand an existing rule or regulation;

(7) the proposed amendments will not increase or decrease the number of individuals subject to the rules' applicability; and

(8) the proposed amendments will not positively or adversely affect the state's economy.

Mrs. Anne Allensworth, Enterprise Efficiency Director, has determined that for the first five-year period the amendments are in effect, there will be no fiscal implication for state or local government or local economies as a result of enforcing or administering the amended rules; and small businesses, micro-businesses, and rural communities will not be affected.

The proposed amendments do not constitute a taking. Mrs. Allensworth has also determined that, to her knowledge, there are no known anticipated economic effects for persons who are required to comply with the amendments as proposed, and the proposed amendments do not impose a cost on regulated persons.

Mrs. Allensworth also determined that for each year of the first five years the amendments are in effect, the public benefit anticipated as a result of adopting the amendments would be that program rules will better reflect established program administration.

Comments on the proposed amendments may be submitted to Cynthia C. Hamilton, General Counsel and Chief Compliance Officer, Employees Retirement System of Texas, P.O. Box 13207, Austin, Texas 78711-3207, or you may email Ms. Hamilton at *General.Counsel@ers.texas.gov*. The deadline for receiving comments is Monday, December 6, 2026, at 10:00 a.m.

34 TAC §§82.1, 82.3, 82.5

The amendments are proposed under Tex. Gov't Code §671.001(c), which authorizes the ERS Board of Trustees to adopt rules necessary for the implementation of the program for providing health services in state office complexes. This explicit authority includes implied authority to amend and repeal such rules.

No other statutes are affected by the proposed amendments.

§82.1. Definitions.

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

(1) Act--The Texas Employees Group Benefits Act, Tex. Ins. Code [~~Act of the 77th Legislature, 2001, as amended, Insurance Code,~~] Chapter 1551.

[~~(2) Board--The board of trustees of the Employees Retirement System of Texas.~~]

(2) [~~(3)~~] Employee--A person authorized by the Act to participate in the GBP [~~program~~] as an employee.

(3) [~~(4)~~] Executive director [~~Director~~]--The executive director of the Employees Retirement System of Texas.

(4) [~~(5)~~] GBP--The Texas employees group benefits program provided by [~~Employees Group Benefits Program as established~~

by the board pursuant to] the Act and known as the Group Benefits Program.

(5) [(6)] Nurse practitioner [Practitioner]--A licensed advanced practice registered nurse as defined by Tex. Occ. Code §301.152(a) [§301.152, Occupations Code].

(6) [(7)] Pilot program [Program]--The program authorized under Tex. Gov't Code § 671.001 [House Bill 952, 79th Texas Legislature, Regular Session, and codified at Chapter 671, Texas Government Code, wherein the viability of an on-site nurse practitioner to provide authorized on-site health services for state employees is to be evaluated].

(7) [(8)] Supervising physician [Physician]--A licensed physician who performs [will perform] supervisory functions under Tex. Occ. Code Chapter 157 with regard to a [as described by §157.052(c), Occupations Code, for the] nurse practitioner.

§82.3. Administration.

[The board shall implement and administer all aspects of the pilot program and determine any future expansion or continuation of the pilot program as authorized by Chapter 671, Texas Government Code. This includes the authority to execute contracts as necessary, to establish operating procedures, hours of operation, applicable fees and co-payments, administrative costs, and all other administrative and operational functions for the pilot program.] The executive director is vested with the authority to implement and make all administrative decisions related to the pilot program, including authority to continue or terminate a facility [that are vested in the board, including the determination of any future expansion or continuation of the pilot program as authorized by Chapter 671, Texas Government Code, subject to the basic and general policies, rules and regulations and appellate jurisdiction of the board].

§82.5. Eligibility and Participation.

Eligibility for participation in the pilot program is [shall be] limited to employees [of the state of Texas] who are enrolled in the GBP[, pursuant to Subchapter C, Chapter 1551, Insurance Code. Retirees and their dependents and dependents of employees are not eligible for participation].

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 October 19, 2026.

TRD-202604438
Cynthia C. Hamilton
General Counsel and Chief Compliance Officer
Employees Retirement System of Texas
Earliest possible date of adoption: December 6, 2026
For further information, please call: (877) 275-4377

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34 TAC §82.7, §82.9

The repeals are proposed under Tex. Gov't Code §671.001(c), which authorizes the ERS Board of Trustees to adopt rules necessary for the implementation of the program for providing health services in state office complexes. This explicit authority includes implied authority to amend and repeal such rules.

No other statutes are affected by the proposed repeals.

§82.7. Enrollment and Participation.

§82.9. Termination.

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 October 19, 2026.

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Cynthia C. Hamilton
General Counsel and Chief Compliance Officer
Employees Retirement System of Texas
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For further information, please call: (877) 275-4377

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CHAPTER 85. FLEXIBLE BENEFITS

34 TAC §85.1, §85.3

The Employees Retirement System of Texas (ERS) proposes amendments to 34 Texas Administrative Code (TAC) Chapter 85, concerning Flexible Benefits, by amending §85.1 (Introduction and Definitions) and §85.3. (Eligibility and Participation).

ERS was created by the Texas Constitution and administers a constitutional trust fund, as currently set forth in Tex. Const. art. XVI, §67. ERS is further organized pursuant to Title 8, Tex. Gov't Code, as well as 34 Texas Administrative Code §§61.1 *et seq.*

Amendments are proposed to §85.1 and §85.3 to allow participants in the dependent care flexible spending plan to incur eligible expenses after termination of employment. Rule amendments are required in order to effectuate this change to the plan. Additional amendments are included as cleanup changes to §85.1 and §85.3.

GOVERNMENT GROWTH IMPACT STATEMENT

ERS has determined that during the first five-year period the amended rules will be in effect:

(1) the proposed amendments will not eliminate a government program;

(2) implementation of the proposed amendments will not require the creation of new employee positions or eliminate existing employee positions;

(3) implementation of the proposed amendments will not require an increase or decrease in future legislative appropriations to the agency;

(4) the proposed amendments will not require an increase or decrease in fees paid to the agency;

(5) the proposed amendments will not create a new rule or regulation;

(6) the proposed amendments will expand an existing rule or regulation in a manner that is beneficial to participants;

(7) the proposed amendments will not increase or decrease the number of individuals subject to the rules' applicability; and

(8) the proposed amendments will not positively or adversely affect the state's economy.

Mr. Blaise Duran, Director of Group Benefits, has determined that for the first five-year period the rules are in effect, there will be no fiscal implications for state or local government or local

economies as a result of enforcing or administering the rules; and small businesses, micro-businesses, and rural communities will not be affected.

The proposed amendments do not constitute a taking. Mr. Duran has also determined that, to his knowledge, the only known anticipated economic effect is that people impacted by the amendments will have increased opportunities to avoid the forfeiture of funds deposited into their dependent care flexible spending accounts.

Mr. Duran also determined that the public benefit anticipated as a result of enforcing the proposed rule would be to allow for the reimbursement of additional expenses after termination of employment and thereby limit forfeitures. Currently, members who leave employment are unable to use dependent care flexible spending contributions for services incurred after the date of termination, which results in the forfeiture of those funds.

Comments on the proposed amendments and rules may be submitted to Cynthia C. Hamilton, General Counsel and Chief Compliance Officer, Employees Retirement System of Texas, P.O. Box 13207, Austin, Texas 78711-3207, or you may email Ms. Hamilton at *General.Counsel@ers.texas.gov*. The deadline for receiving comments is Monday, December 7, 2026, at 10:00 a.m.

The amendments are proposed under Tex. Gov't Code §815.102, which authorizes the ERS Board of Trustees (Board) to adopt rules necessary for the administration of the funds of the retirement system and regarding the transaction of any other business of the Board; Tex. Ins. Code §1551.206, which authorizes the Board to develop, implement, and administer flexible spending accounts and include any benefit that may be included under federal law; and Tex. Ins. Code §1551.458, which authorizes the Board to adopt rules regarding flexible spending accounts.

No other statutes are affected by the proposed amendments and rules.

§85.1. Introduction and Definitions.

(a) Summary. The purpose of these rules is to govern the flexible benefits program. These rules constitute the Plan document for the State of Texas Employees Flexible Benefit Program (TexFlex). The flexible benefits plan (the plan) includes reimbursement account arrangements with optional benefits available for selection by participants as described in the plan and these rules. The plan is intended to be qualified under the Internal Revenue Code (the Code), §125, as amended from time to time, and is intended to continue as long as it qualifies under §125 and is advantageous to the state and institutions of higher education employees. Optional benefits offered under the plan for individual selection consist only of a choice between cash and certain statutory nontaxable fringe benefits as defined in the Code, §125, and regulations promulgated under the Code, §125. The plan may also include separate benefits as defined in the Code, §132, and regulations promulgated under the Code, §132, separate from the cafeteria plan, and governed by individual plan documents.

(b) Applicability of rules.

(1) These rules are applicable only to employees, as defined in this chapter [~~these rules~~], and terminated employees, as described in §85.3(a)(3)(B) and (b)(1)(B) and (C) of this chapter [~~title (relating to Eligibility and Participation)~~].

(2) An employee who retired or separated from employment prior to September 1, 1988, shall not be entitled to benefits under the provisions of the plan and these rules, unless the employee is rehired and then becomes eligible for benefits.

(c) Definitions. The following words and terms when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise, and wherever appropriate, the singular includes the plural, the plural includes the singular, and the use of any gender includes the other gender.

(1) Act--The state law that authorized the establishment of a flexible benefits plan and is designated in the Texas Insurance Code, Chapter 1551, as amended.

(2) Account--A record keeping account established by the Employees Retirement System of Texas or its designee in the name of each participant for the purpose of accounting for contributions made to the account and benefits paid to a participant.

(3) Active duty--The expenditure of time and energy in the service of an employer as defined in these rules. An employee will be considered to be on active duty on each day of a regular paid vacation or on a non-work day, on which the employee is not disabled, if the employee was on active duty on the last preceding work day.

(4) Board of trustees--The board of trustees of the Employees Retirement System of Texas (ERS).

(5) Code--The Internal Revenue Code, as amended from time to time.

(6) Compensation--A participant's base salary, including amounts that would otherwise qualify as compensation but are not received directly by the participant pursuant to a good faith, voluntary, written or electronic salary reduction agreement in order to finance payments to a deferred compensation or tax sheltered annuity program specifically authorized by state law or to finance benefit options under this plan, plus longevity and hazardous duty pay and including non-monetary compensation, the value of which is determined by the Employees Retirement System of Texas, but excluding overtime pay.

(7) Debit Card--A bank issued convenience card or similar technology approved by the plan administrator and permitted to be used by participants as an optional method to pay for eligible transactions. Use of the card is governed by the plan administrator and issuing financial institution. The card is referred to as the Flex Debit Card.

(8) Dependent--An individual who qualifies as a dependent under the Code, §152, and when applicable taking into account the Code, §105, or any individual who is:

(A) except as provided by §85.6(b)(3) of this title, a dependent of the participant who is under the age of 13 and with respect to whom the participant is entitled to an exemption under the Code, §151, or, is otherwise, a qualifying individual as provided in the Code, §21; or

(B) a dependent or spouse of the participant who is physically or mentally incapable of caring for himself or herself.

(9) Dependent care reimbursement account--The bookkeeping account maintained by the plan administrator or its designee used for crediting contributions to the account and accounting for benefit payments from the account.

(10) Dependent care reimbursement plan--A separate plan under the Code, §129, adopted by the board of trustees, and designed to provide payment or reimbursement for dependent care expenses as described in §85.5(c) of this title (relating to Benefits).

(11) Dependent care expenses--Expenses incurred by a participant which:

(A) are incurred for the care of a dependent of the participant;

(B) are paid or payable to a dependent care service provider or to the participant as reimbursement for such expenses; and

(C) are incurred to enable the participant to be gainfully employed for any period for which there are one or more dependents with respect to the participant. Dependent care expenses shall not include expenses incurred for the services outside the participant's household for the care of a dependent, unless such dependent is a dependent under the age of 13 (or through age 14 as provided by §85.6(b)(3) of this title) with respect to when the participant is entitled to a tax deduction under the Code, §151, or a dependent who is physically or mentally incapable of self support. In the event that the expenses are incurred outside the dependent's household, the dependent must spend at least eight hours each day in the participant's household. Dependent care expenses shall be deemed to be incurred at the time the services to which the expenses relate are rendered.

(12) Dependent care service provider--A person or a dependent care center (as defined in the Code, §21) who provides care or other services described in the definition of "dependent care expenses" in this section, but shall not include:

(A) a related individual described in the Code, §129; or

(B) a dependent care center which does not meet the requirements of the Code, §21.

(13) Effective date of the plan--September 1, 1988.

(14) Election form--A paper or electronic form provided by the Employees Retirement System of Texas that is an agreement by and between the employer and the participant, entered into prior to an applicable period of coverage, in which the participant agrees to a reduction in compensation for purposes of purchasing benefits under the plan.

(15) Eligible employee--An employee who has satisfied the conditions for eligibility to participate in the plan in accordance with the plan and §85.3(a)(1), and (b)(1) of this title (relating to Eligibility and Participation), and, to the extent necessary, a retired or terminated employee who is entitled to benefit payments under the plan.

(16) Employee--A person who is eligible to participate in the Texas Employees Group Benefits Program as an employee.

(17) Employer--The State of Texas, its agencies, commissions, institutions of higher education, and departments, or other governmental entity whose employees are authorized to participate in the Texas Employees Group Benefits Program.

(18) Expenses incurred--Expenses for services received or performed and for which the participant is legally responsible.

(19) Executive director--The executive director of the Employees Retirement System of Texas.

(20) Flexible benefit dollars--The dollars available to a participant which may be used for purposes of purchasing benefits under the plan.

(21) General purpose health care reimbursement account--The account described in §85.5(b)(1).

(22) Grace period -- A time period lasting until the fifteenth day of the third calendar month immediately following the end of the plan year, during which participants may continue to incur eligible expenses for reimbursement from the prior plan year's account balance. The grace period applies to the dependent care reimbursement plan, except as limited by §85.6 and §85.3(a)(3)(B) of this chapter. The grace period does not apply to a health care reimbursement plan.

~~[(22) Grace period--A two (2) month and 15 day period, adopted by the TexFlex plan pursuant to IRS Notice 2005-42, immediately following the end of the plan year during which participants may continue to incur expenses for reimbursement from the prior year account balance. The grace period does not apply to a health care reimbursement plan year that begins on or after September 1, 2014, but does apply to the dependent care reimbursement plan, except as limited by §85.6(b)(2) of this title.]~~

(23) Health care expenses--Any expenses incurred by a participant, or by a spouse or dependent of such participant, for health care as described in or authorized in accordance with the Code, §105 and §213, but only to the extent that the participant or other person incurring the expense is not reimbursed for the expense by insurance or other means. The types of expenses include, but are not limited to, amounts paid for hospital bills, doctor bills, prescription drugs, hearing exams, vision exams, and eye exams.

(24) Health care reimbursement account--The bookkeeping account maintained by the plan administrator or its designee used for crediting contributions to the account and accounting for benefit payments from the account.

(25) Health care reimbursement plan--A separate plan, under the Code, §105, adopted by the board of trustees, and designed to provide health care expense reimbursement as described in §85.5(b) of this title (relating to Benefits).

(26) Institution of higher education--All public community/junior colleges, senior colleges or universities, or any other agency of higher education within the meaning and jurisdiction of the Education Code, Chapter 61, except the University of Texas System and the Texas A&M University System.

(27) Leave of absence without pay--The status of an employee who is certified monthly by an agency or institution of higher education administrator to be absent from duty for an entire calendar month, and who does not receive any compensation for that month.

(28) Limited purpose health care reimbursement account--The account described in §85.5(b)(3).

(29) Option--Any specific benefit offering under the plan.

(30) Participant--An eligible employee who has elected to participate in the plan for a period of coverage.

(31) Period of coverage--The plan year during which coverage of benefits under the plan is available to and elected by a participant; however, an employee who becomes eligible to participate during the plan year may elect to participate for a period lasting until the end of the current plan year. In such case, the interval commencing on such employee's entry date and ending as of the last day of the current period of coverage shall be deemed to be such participant's period of coverage.

(32) Plan--The flexible benefits plan established and adopted by the board of trustees pursuant to the laws of the state of Texas and any amendments which may be made to the plan from time to time. The plan is referred to herein as TexFlex, and is comprised of a dependent care reimbursement plan, a health care reimbursement plan, an insurance premium conversion plan, and a qualified transportation benefit plan.

(33) Plan administrator--The board of trustees of the Employees Retirement System of Texas or its designee.

(34) Plan year--A 12-month period beginning September 1 and ending August 31.

(35) Run-out period--The period following the end of the plan year between September 1 and December 31, during which participants may file claims for reimbursement of expenses incurred during the plan year.

(36) Statutory nontaxable benefit--A benefit provided to a participant under the plan, which is not includable in the participant's taxable income by reason of a specific provision in the Code and is permissible under the plan in accordance with the Code, §125.

(37) Spouse--The person to whom the participant is married. Spouse does not include a person separated from the participant under a decree of divorce, or annulment.

(38) TexFlex--The flexible benefits plan adopted by the board of trustees.

(39) Texas Employees Group Benefits Program (GBP)--The employee insurance benefits program administered by the Employees Retirement System of Texas, pursuant to Texas Insurance Code, Chapter 1551. The program consists of health, voluntary accidental death and dismemberment, optional term life, dependent term life, short and long term disability, vision, and dental insurance coverages.

(40) Third Party Administrator or TPA--The vendor, administrator or firm selected by the plan administrator to perform the day-to-day administrative responsibilities of the TexFlex program for participants of the Texas Employees Group Benefits Program who enroll in either the health care reimbursement plan, dependent care reimbursement plan or both.

§85.3. Eligibility and Participation.

(a) Dependent care reimbursement plan.

(1) Eligibility. Any employee eligible to participate in the Texas Employees Group Benefits Program may elect to participate in the dependent care reimbursement plan [~~account~~].

(2) Participation.

(A) An eligible employee [~~who is eligible under paragraph (1) of this subsection~~] may elect to participate by [~~completing and~~] submitting an election form [~~either in writing or electronically~~] on, or within 30 days after, the date on which the employee begins active duty. Upon submitting [~~An employee, upon executing~~] an election form [~~for participation~~], an employee is [~~either in writing or electronically, shall be deemed to have consented to and be~~] bound by all the terms, conditions, and limitations of the plan, [~~any and all amendments hereto,~~] any administrative rules adopted by the plan administrator, and any decision [~~or determinations~~] made by the plan administrator with respect to participant [~~the participant's~~] eligibility, obligations, rights, and benefits [~~available~~] under the plan. An election made on the date on which the employee begins active duty becomes effective on that date. An election made after the date on which the employee begins active duty becomes effective on the first day of the month following the date on which the employee begins active duty.

(B) An eligible employee who experiences [~~is otherwise eligible to participate in the Texas Employees Group Benefits Program but who declined participation in the dependent care reimbursement account prior to the beginning of a plan year, and who, after the beginning of a plan year, has~~] a qualifying life event, as described [~~defined~~] in §85.7(c) of this chapter [~~title (relating to Enrollment)~~], may elect to participate in the dependent care reimbursement plan [~~account~~] as provided in §85.7(c) [~~of this title~~].

(C) A participant who experiences a qualifying life event as described in §85.7(c) of this chapter may change or revoke their election to participate in the dependent care reimbursement plan during the plan year as provided in §85.7(c).

[~~(C) A qualifying life event as defined in §85.7(c) of this title will permit a change or revocation of participation during the plan year as provided in §85.7(c) of this title.~~]

(D) An eligible employee may elect to participate in the dependent care reimbursement plan [~~shall have an opportunity to enroll~~] or change an election [~~benefit options~~] during the annual enrollment period. The annual enrollment period occurs [~~shall be~~] prior to the beginning of each [~~a~~] new plan year. Elections and changes in elections made during the annual enrollment period become effective on the first day of the next plan year.

(E) The plan administrator shall maintain and update the participant enrollment records. Any and all changes will be communicated to the TPA via weekly file transfer protocol (FTP), tapes or other selected media.

(3) Duration of participation.

(A) An employee's election to participate [~~or to waive participation~~] in the dependent care reimbursement plan is [~~shall be~~] irrevocable for the plan year unless there is a qualifying life event as described [~~defined~~] in §85.7(c) of this chapter [~~title~~]. Automatic re-enrollment for subsequent plan years is governed by §85.7(a)(6) of this chapter.

(B) An employee whose employment has terminated, voluntarily or involuntarily, and who had a dependent care reimbursement account at the time of termination:

(i) retains the account through the end of the current plan year;

(ii) cannot make further contributions to the account after the date of termination;

(iii) may incur eligible dependent care expenses through the end of the current plan year, up to the amount of their remaining account balance, but may not incur such expenses during a grace period; and

(iv) may submit claims through December 31 following the close of the current plan year.

(C) [~~(B)~~] An employee returning to active duty following termination of employment[~~,~~] or [~~following~~] a period of [~~approved~~] leave without pay may[~~, during the same plan year shall~~] reinstate the employee's election to participate in the dependent care reimbursement plan if the employee was participating in the plan [~~in effect~~] on the employee's last previous active duty date and the employee returns to active duty during the same plan year. The employee may elect to reinstate the previous election [~~Reinstatement becomes effective on the date on which the employee resumes active duty, unless the employee requests a change~~] in the same manner as a new election under §85.3(a)(2)(A) [~~as provided in §85.7(c)~~] of this chapter, and the election will become effective as provided in that section [~~title~~].

(b) Health care reimbursement plan.

(1) Eligibility.

(A) Any employee eligible to participate in the Texas Employees Group Benefits Program may elect to participate in a health care reimbursement account, except that an employee participating in a consumer directed health plan with a health savings account, as permitted under Subchapter J, Chapter 1551, Insurance Code, may only

participate in the limited purpose health care reimbursement account described by §85.5(b)(3), of this title (relating to Benefits). Only participants in a consumer directed health plan are eligible to elect to participate in the limited purpose health care reimbursement account described by §85.5(b)(3) of this title.

(B) Prior to September 1, 2014, an employee whose employment has been terminated, voluntarily or involuntarily, and who had a health care reimbursement account at the time of termination, shall retain the health care reimbursement account for the applicable period of election. The terminated employee must pre-pay, on a monthly basis, the elected amount and any administrative fee for the plan year. Payments are due on the first day of each month and must be received no later than the 30th day of the month. Failure to pay will automatically cancel enrollment.

(C) On and after September 1, 2014, the employee's period of coverage ends on the date of termination of employment.

(2) Participation.

(A) An employee who is eligible under paragraph (1) of this subsection may elect to participate by completing and submitting an election form either in writing or electronically on, or within 30 days after, the date on which the employee begins active duty. An employee, upon executing an election form for participation, either in writing or electronically, shall be deemed to have consented to and be bound by all the terms, conditions, and limitations of the plan, any and all amendments hereto, any administrative rules adopted by the plan administrator, and any decision or determinations made by the plan administrator with respect to the participant's eligibility, obligations, rights and benefits available under the plan. An election made by an employee to participate in the health care reimbursement plan shall be effective on the date that the employee's coverage in a GBP health benefit plan begins. But if an employee opts out or waives GBP health coverage as provided in §81.8 of this title (relating to Waiver of Health Coverage), the employee's election shall become effective on the first day of the calendar month following 60 days of employment.

(B) An employee who is eligible but who declined participation in the health care reimbursement account prior to the beginning of a plan year, and who, after the beginning of a plan year, has a qualifying life event, as defined in §85.7(c) of this title, may elect to participate in a health care reimbursement account as provided in §85.7(c) of this title.

(C) A qualifying life event as defined in §85.7(c) of this title will permit the following changes in election during the plan year, as provided in §85.7(c) of this title:

(i) an increase in the election amount, if the increase is consistent with the qualifying life event; or

(ii) a decrease in the election or election amount, if the decrease is consistent with the qualifying life event.

(D) An eligible employee shall have an opportunity to enroll or to change benefit options during the annual enrollment period. The annual enrollment period shall be prior to the beginning of a new plan year. Elections and changes in elections made during the annual enrollment period become effective on the first day of the plan year.

(E) The plan administrator shall maintain and update the participant enrollment records. Any and all changes will be communicated to the TPA via weekly file transfer protocol (FTP), tapes or other selected media.

(F) If an eligible employee elects to enroll in a consumer directed health plan with a health savings account, any unspent flexible benefit plan dollars in the employee's health care reimbursement account at the end of the previous plan year shall automatically be transferred to and carryover into a limited purpose account as described by §85.5(b)(3) of this title, up to the maximum carryover permitted by the IRS. Such carryover shall comply with §85.7(g) of this title. Any flexible benefit plan dollars remaining that exceed the maximum carryover permitted by the IRS will be forfeited by the employee.

(3) Duration of participation.

(A) Except as otherwise provided in paragraph (2)(C)(ii) or (D) of this subsection, an employee's election to or not to participate in a health care reimbursement account shall be irrevocable for the plan year.

(B) An employee returning to active duty following termination of employment, or following a period of leave without pay, during the same plan year shall reinstate the election in effect on the employee's last previous active duty date. Reinstatement becomes effective on the date on which the employee resumes active duty, unless the employee requests a change in election as provided in §85.7(c) of this title or a different requirement is imposed by the Family and Medical Leave Act of 1993 (FMLA).

(C) For plan years beginning before September 1, 2014, an employee who is enrolled in a health care reimbursement account who terminates employment during the plan year must retain the health care account for the remainder of the plan year and prepay premiums or make monthly premium payments due for the remainder of the plan year, as described in paragraph (1)(B) of this subsection.

(D) For plan years beginning on and after September 1, 2014, an employee who is enrolled in a health care reimbursement account who terminates employment during the plan year does not retain the health care account for the remainder of the plan year. The employee's period of coverage ends on the date of termination. An employee may only file a claim for reimbursement for expenses incurred before the date of termination.

(E) Notwithstanding any provision to the contrary in this Plan, if an employee goes on a qualifying unpaid leave under the Family Medical Leave Act (FMLA), to the extent required by the FMLA, the plan administrator will continue to maintain the employee's health care reimbursement account on the same terms and conditions as though he were still an active employee (i.e., the plan administrator or its designee will continue to provide benefits to the extent the employee opts to continue his coverage). If the employee opts to continue his coverage, the employee shall pay his or her contribution in the same manner as a participant on the non-FMLA leave, including payment with after-tax dollars while on leave. The employee may also be given the option to pre-fund all or a portion of the contribution for the expected duration of the leave on a pre-tax salary reduction basis out of his pre-leave compensation by making a special election to that effect prior to the date such compensation would normally be made available to him (provided, however, that pre-tax dollars may not be utilized to fund coverage during the next plan year).

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

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TRD-202604527

Cynthia C. Hamilton
General Counsel and Chief Compliance Officer
Employees Retirement System of Texas
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For further information, please call: (877) 275-4377

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TITLE 37. PUBLIC SAFETY AND CORRECTIONS

PART 5. TEXAS BOARD OF PARDONS AND PAROLES

CHAPTER 145. PAROLE

SUBCHAPTER A. PAROLE PROCESS

37 TAC §145.16

The Texas Board of Pardons and Paroles proposes amendments to 37 TAC Chapter 145, §145.16, concerning the parole process. The amendments are proposed to promote simplicity and clarity.

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

Ms. Moberley also has determined that for each year of the first five years the proposed amendments are in effect, the public benefit anticipated as a result of enforcing the amendments will be to reduce the number of times victims will be notified of the parole panel's reconsideration of an offender's parole review. There will be no effect on small businesses, micro-businesses or rural areas. There is no anticipated economic cost to persons required to comply with the amended rule as proposed. No regulatory flexibility analysis required by HB 3430 is necessary.

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

Government Growth Impact Statement. In compliance with Texas Government Code §2001.0221, the Board has prepared a government growth impact statement. Unless indicated below, for each year of the first five years that the rule will be in effect, the rule will not: create or eliminate a government program; require the creation of new employee positions or the elimination of existing employee positions; require an increase or decrease in future legislative appropriations to the agency; lead to an increase or decrease in the fees paid to the department, create new regulations; expand, limit or repeal existing regulations; increase or decrease the number of individuals subject to the rule's applicability, or positively or adversely affect this state's economy.

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

The amended rule is proposed under §§508.036 and 508.0441, Texas Government Code. Section 508.036 requires the board to adopt rules relating to the decision-making processes used by the board and parole panels; and §508.0441 provides the board with the authority to consider and order release on parole or mandatory supervision.

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

§145.16. Action upon Special Review--Release Approved.

(a) Responses received from trial officials or victims that did not provide input prior to the [~~after a release to parole or release to mandatory supervision~~] decision being rendered shall be considered as information not previously available to the parole panel. Provided that release to parole or mandatory supervision has not occurred, the responses shall be referred to the parole panel or to the Board office corresponding to the parole panel that rendered the release to parole or release to mandatory supervision decision. A case reviewed by a parole panel, pursuant to the receipt of information not previously available to the parole panel, may then:

(1) be continued in a release to parole or release to mandatory supervision status with or without additional conditions of release imposed; or

(2) have the release to parole or release to mandatory supervision decision withdrawn and the next review date set by the parole panel in accordance with applicable provisions of Chapter 145 of this title (relating to Parole Process).

(b) Nothing in this rule is intended to restrict a parole panel member from reconsidering a release vote to parole or mandatory supervision.

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 October 23, 2026.

TRD-202604498
Richard Gamboa
Technical Writer
Texas Board of Pardons and Paroles
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For further information, please call: (512) 406-5309

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CHAPTER 146. REVOCATION OF PAROLE OR MANDATORY SUPERVISION

37 TAC §§146.3, 146.5, 146.6, 146.8

The Texas Board of Pardons and Paroles proposes the repeal to 37 TAC Chapter 146, §§146.3, 146.5, 146.6 and 146.8, concerning the violation of parole or mandatory supervision. The proposed repeals are the result of a review that concluded the rules are redundant of the Board's policies and procedures.

Marsha Moberley, Chair of the Board, determined that for each year of the first five-year period the proposed repeals are in effect, no fiscal implications exist for state or local government as a result of enforcing or administering this section.

Ms. Moberley also has determined that for each year of the first five years the proposed repeals are in effect, the public benefit anticipated as a result of enforcing the amendments will be to reduce the number of times victims will be notified of the parole

panel's reconsideration of an offender's parole review. There will be no effect on small businesses, micro-businesses or rural areas. There is no anticipated economic cost to persons required to comply with the amended rule as proposed. No regulatory flexibility analysis required by HB 3430 is necessary.

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

Government Growth Impact Statement. In compliance with Texas Government Code §2001.0221, the Board has prepared a government growth impact statement. Unless indicated below, for each year of the first five years that the repeals will be in effect, the repeals will not: create or eliminate a government program; require the creation of new employee positions or the elimination of existing employee positions; require an increase or decrease in future legislative appropriations to the agency; lead to an increase or decrease in the fees paid to the department, create new regulations; expand, limit or repeal existing regulations; increase or decrease the number of individuals subject to the rule's applicability, or positively or adversely affect this state's economy.

Comments should be directed to Jennifer Childress, General Counsel, Texas Board of Pardons and Paroles, 209 W. 14th Street, Suite 500, Austin, Texas 78701, or by e-mail to Jennifer.childress@tdcj.state.tx.us. Written comments from the general public should be received within 30 days of the publication of this proposal.

The repeals are proposed under §§508.036 and 508.0441, Texas Government Code. Section 508.036 requires the board to adopt rules relating to the decision-making processes used by the board and parole panels; and §508.0441 provides the board with the authority to consider and order release on parole or mandatory supervision.

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

§146.3. Right to Counsel.

§146.5. Procedure after Waiver of Revocation Hearing.

§146.6. Scheduling of Preliminary Hearing.

§146.8. Scheduling of Revocation Hearings.

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

Filed with the Office of the Secretary of State on October 23, 2026.

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Richard Gamboa
Technical Writer
Texas Board of Pardons and Paroles
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For further information, please call: (512) 406-5309

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CHAPTER 148. SEX OFFENDER CONDITIONS OF PAROLE OR MANDATORY SUPERVISION

37 TAC §§148.41 - 148.45, 148.48, 148.55

The Texas Board of Pardons and Paroles proposes amendments to 37 TAC Chapter 148, §§148.41, 148.42, 148.43, 148.44, 148.45, 148.48, and 148.55 concerning sex offender conditions of parole or mandatory supervision. Rules 148.41, 148.42, 148.43, 148.44, 148.45, 148.48, and 148.55 within this chapter are identical to existing rules in Chapter 147. To eliminate redundancy, these rules were amended to incorporate a cross-reference to Chapter 147.

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

Ms. Moberley also has determined that during the first five years the proposed amendments are in effect, the public benefit anticipated as a result of enforcing the amendments to these sections will be the effective administration of sex offender conditions hearings. There will be no effect on small businesses, micro-businesses or rural areas. There is no anticipated economic cost to persons required to comply with the amended rules as proposed. The amendments will not create or eliminate a government program; will not require the creation or elimination of employee positions; will not require an increase or decrease in future legislative appropriations to the agency; will not require an increase or decrease in fees paid to the agency; does not create a new regulation; does not expand, limit, or repeal an existing regulation; will not increase or decrease the number of individuals subject to the rules' applicability; and will not positively or adversely affect this state's economy.

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

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

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

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

§148.41. Public Hearings.

Public Hearings as specified in §147.1(a) and (b) of this title (relating to Public Hearings) is incorporated by reference.

[(a) All hearings on matters not confidential or privileged by law, or both, shall be open to the public.]

[(b) Appropriate federal and state constitutional provisions, statutes, regulations, and judicial precedent establishing the confidential or privileged nature of the information presented shall be given effect by the Hearing Officer. As a result, the Hearing Officer shall have the authority to close the hearing to the extent necessary to protect against the improper disclosure of confidential or privileged information.]

[(c) To give effect to subsection (b) of this section, the Hearing Officer shall have the authority to close the hearing to the extent necessary to protect against the improper disclosure of confidential and/or privileged information.]

§148.42. Authority of Hearing Officers.

The Authority of Hearings Officers as specified in §147.2, of this title (relating to Authority of Hearing Officers) is incorporated by reference.

[(a) A Hearing Officer shall have the following authority:]

[(1) to administer oaths;]

[(2) to examine witnesses;]

[(3) to rule on the admissibility of evidence;]

[(4) to rule on motions and objections;]

[(5) to recess any hearing from time to time and place to place;]

[(6) to reopen, upon request of a parole panel, or reconvene, or both, any hearing;]

[(7) to issue on behalf of the Board subpoenas and other documents authorized by and signed by a Board Member in accordance with statutory authority;]

[(8) to maintain order and decorum throughout the course of any proceedings;]

[(9) to collect documents and exhibits comprising the record of the hearing;]

[(10) to prepare the report of the hearing for the parole panel to make disposition of the case; and]

[(11) to determine the weight to be given to particular evidence or testimony and to determine the credibility of witnesses.]

[(b) If a Hearing Officer fails to complete an assigned case, another Hearing Officer may complete the case without the necessity of duplicating any duty or function performed by the previous Hearing Officer.]

§148.43. Ex Parte Consultations.

Ex Parte Consultations as specified in §147.3 of this title (relating to Ex Parte Consultations) is incorporated by reference. [Unless required for the disposition of matters authorized by law, Hearing Officers, Board Members and Parole Commissioners assigned to render a decision may not directly or indirectly, initiate, permit, nor consider communications in connection with any issue of fact or law with any party, except on notice and opportunity for all parties to participate.]

§148.44. Motions.

Motions as specified in §147.4 of this title (relating to Motions) is incorporated by reference. [Unless made during a hearing, motions shall be made in writing, set forth the relief or order sought, and shall be filed with the Hearing Officer assigned to conduct the hearing. Motions based on matters which do not appear of record shall be supported by affidavit.]

§148.45. Witnesses.

Witnesses as specified in §147.5 of this title (relating to Witnesses) is incorporated by reference.

[(a) The Hearing Officer may determine whether a witness may be excused under the rule that excludes witnesses from the hearing.]

[(1) In no event shall the Hearing Officer exclude from the hearing a party under the authority of this section. For these purposes, the term "party" means the definition in §141.111 of this title (relating to Definition of Terms) and includes:]

[(A) the releasee;]

[(B) the releasee's attorney; and]

[(C) no more than one representative of the Division who has acted or served in the capacity of supervising, advising, or agent officer in the case.]

[(2) When the Hearing Officer determines that an individual who is present at the hearing and intended to be called by a party as a witness has no relevant, probative, noncumulative testimony to offer on any material issue of fact or law, then the Hearing Officer, in their his sound discretion, may determine that such individual should not be placed under the rule and excluded from the hearing.]

[(b) All witnesses who testify in person are subject to cross-examination unless the Hearing Officer specifically finds good cause for lack of confrontation and cross-examination.]

[(c) Witnesses personally served with a subpoena and who fail to appear at the hearing may present testimony by written statement upon a favorable good cause determination by the Hearing Officer.]

§148.48. Record.

Record as specified in §147.6 of this title (relating to Record) is incorporated by reference.

[(a) The record in any case includes all pleadings, motions, and rulings; evidence received or considered; matters officially noticed; questions and offers of proof, objections, and rulings on them; all relevant Division documents, staff memoranda, or reports submitted to or considered by the Hearing Officer involved in making the decision; and any decision, opinion, or report by the Hearing Officer presiding at the hearing.]

[(b) All hearings shall be electronically recorded in their entirety.]

[(c) The hearing record is made a part of the official parole record maintained by the Division. All requests for copies of the hearing report or hearing recording shall be addressed to the Division.]

§148.55. Procedure after Motion to Reopen Is Granted; Time; Rights of the Releasee; Final Disposition.

(a) When the parole panel disposes of a releasee's motion to reopen under §148.54 of this title (relating to Releasee's Motion to Reopen Hearing) by granting the motion to reopen the hearing, the case shall be disposed of or referred to a parole panel or designee of the Board for final disposition in accordance with this section and the previous disposition of the case made by the parole panel under §148.53 of this title (relating to Final Board Disposition), shall be set aside, and shall be of no force and effect.

(b) The purpose of the further proceedings before the parole panel or designee of the Board under this section shall be as specified

by the parole panel in its order granting the releasee's motion to reopen pursuant to §148.54 of this title.

(c) When the parole panel or designee of the Board convenes the reopening of the hearing, it shall have [~~before it~~] the [~~entire~~] record of the original hearing, any prior reopenings, releasees motion and any confidential Board transmittals. [~~previously compiled in the case, including:~~]

[~~(1) the record, report, and decision of the hearing under §148.52 of this title (relating to Hearing) collected or prepared by the parole panel or designee of the Board originally assigned to the case;~~]

[~~(2) any amendments, supplements, or modifications of the record, report, or decision as developed through prior reopenings of the case;~~]

[~~(3) the releasee's motion to reopen the hearing pursuant to §148.54 of this title; and~~]

[~~(4) any transmittal submitted to the parole panel with the recommendation from Board staff. Any transmittal submitted to the parole panel by the General Counsel constitutes legal advice that is confidential under law and shall not be released to the public as part of the hearing packet.~~]

(d) At the conclusion of the proceedings before the parole panel or designee of the Board, or within a reasonable time thereafter, the parole panel shall make final disposition of the case by taking one of the following actions in any manner warranted by the evidence:

(1) continue the parole panel's action; or

(2) withdraw the imposition of the special condition.

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

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Richard Gamboa
Technical Writer
Texas Board of Pardons and Paroles
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37 TAC §148.51

The Texas Board of Pardons and Paroles proposes the repeal to 37 TAC Chapter 148, §148.51 sex offender conditions of parole and mandatory supervision. The proposed repeal is the result of a review that concluded the rules are redundant and more appropriately contained in the Board's policies and procedures.

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

Ms. Moberley also has determined that for each year of the first five years the proposed amendments are in effect, the public benefit anticipated as a result of enforcing the amendments will be to reduce the number of times victims will be notified of the parole panel's reconsideration of an offender's parole review. There will be no effect on small businesses, micro-businesses or rural areas. There is no anticipated economic cost to persons required to comply with the amended rule as proposed. No regulatory flexibility analysis required by HB 3430 is necessary.

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

Government Growth Impact Statement. In compliance with Texas Government Code §2001.0221, the Board has prepared a government growth impact statement. Unless indicated below, for each year of the first five years that the rule will be in effect, the rule will not: create or eliminate a government program; require the creation of new employee positions or the elimination of existing employee positions; require an increase or decrease in future legislative appropriations to the agency; lead to an increase or decrease in the fees paid to the department, create new regulations; expand, limit or repeal existing regulations; increase or decrease the number of individuals subject to the rule's applicability, or positively or adversely affect this state's economy.

Comments should be directed to Jennifer Childress, General Counsel, Texas Board of Pardons and Paroles, 209 W. 14th Street, Suite 500, Austin, Texas 78701, or by e-mail to . Written comments from the general public should be received within 30 days of the publication of this proposal.

The amended rule is proposed under §§508.036 and 508.0441, Texas Government Code. Section 508.036 requires the board to adopt rules relating to the decision-making processes used by the board and parole panels; and §508.0441 provides the board with the authority to consider and order release on parole or mandatory supervision.

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

§148.51. Scheduling of Hearing.

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

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Richard Gamboa
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PART 13. TEXAS COMMISSION ON FIRE PROTECTION

CHAPTER 421. STANDARDS FOR CERTIFICATION

37 TAC §421.9

The Texas Commission on Fire Protection (Commission) proposes an amendment to 37 Texas Administrative Code, Chapter 421, Standards for Certification, concerning §421.9, Designation of Fire Protection Duties.

Background and Purpose

The purpose of the proposed amendment is to conform §421.9 to Texas Government Code, Chapter 419. The amendment adds a new subsection (e) providing that a person designated as a part-time fire protection employee is subject to Texas Government Code §419.0321, and deletes the former subsection (e).

Fiscal Note and Impact on State and Local Government

Michael Wisko, Agency Chief, has determined that for each year of the first five-year period these rules are in effect, there will be no fiscal impact on state or local government as a result of enforcing or administering these rules.

Public Benefit and Cost Note

Mr. Wisko has also determined that for each of the first five years these rules are in effect, the anticipated public benefit will be improved clarity and consistency in commission rules. There are no anticipated economic costs to individuals required to comply with the proposed rules.

Local Economy Impact Statement

There is no anticipated effect on local employment or the local economy for the first five years the rules are in effect; therefore, no local employment impact statement is required under Texas Government Code §2001.022.

Economic Impact on Small Businesses, Micro-Businesses, and Rural Communities

The Commission has determined that there will be no effect on small or micro-businesses or rural communities as a result of implementing these rules; therefore, no economic impact statement or regulatory flexibility analysis is required under Texas Government Code §2006.002.

Government Growth Impact Statement

Under Texas Government Code §2001.0221, the Commission has determined that during the first five years the rules are in effect:

The rules will not create or eliminate a government program;

The rules will not create or eliminate any existing employee positions;

The rules will not require an increase or decrease in future legislative appropriations;

The rules will not result in an increase or decrease in fees paid to the agency;

The rules will not create a new regulation;

The rules will not expand, limit, or repeal an existing regulation;

The rules will not increase the number of individuals subject to the rule; and

The rules are not anticipated to have an adverse effect on the state's economy.

Takings Impact Assessment

The Commission has determined that the proposed rules do not restrict or burden private real-property rights and therefore do not constitute a taking under Texas Government Code §2007.043.

Costs to Regulated Persons

The proposed rules do not impose additional costs on regulated persons, including another state agency, a special district, or a local government, and therefore are not subject to Texas Government Code §2001.0045.

Environmental Impact Statement

The Commission has determined that the proposed rules do not require an environmental impact analysis because the rules are not major environmental rules under Texas Government Code §2001.0225.

Request for Public Comment

Comments on the proposed rules may be submitted in writing within 30 days of publication of this notice in the *Texas Register* to:

Frank King, General Counsel

Texas Commission on Fire Protection

P.O. Box 2286, Austin, Texas 78768

Email: frank.king@tcfp.texas.gov

Statutory Authority

The amendment is proposed under Texas Government Code §419.008, which authorizes the Commission to adopt rules for the administration of its powers and duties, and Texas Government Code §419.032, which authorizes the Commission to adopt rules relating to the appointment and certification of fire protection personnel.

Cross Reference To Statute

The proposed amendment affects Texas Government Code §419.0321. No other statutes, articles, or codes are affected by this proposal.

§421.9. Designation of Fire Protection Duties.

(a) An individual who performs one or more fire protection duties, listed in the Texas Government Code, §419.021(3)(C), for a fire department of local government entity shall be designated to only one of the following categories:

(1) fire protection personnel;

(2) a part-time fire protection employee; or

(3) a volunteer fire fighter or other auxiliary fire fighter.

(b) A fire department regulated by the Commission may not designate the same person under more than one category under this section. The designation shall be made on the records of the department, and the designation shall be made available for inspection by the Commission or sent to the Commission on request.

(c) A fire department regulated by the Commission shall report the appointment of fire protection personnel to a regulated discipline via the Commission's online management program, or the appropriate form if available. Fire protection personnel who are assigned to a regulated discipline as part of their regularly assigned duties shall be appointed to that discipline with the Commission. No individual may be appointed to a discipline without approval by the Commission. The Commission shall not approve an initial appointment to a regulated discipline until it has reviewed and approved a person's fingerprint-based criminal history record. Termination of fire protection personnel or part-time fire protection employees shall be reported to the Commission via the Commission's online management program, or the appropriate form if available within 14 calendar days of the action. In the case of termination, the employing entity shall report an individual's last known home address to the Commission. A Removal from Appointment form may be submitted without the employee's signature.

(d) A fire department may not in a calendar year compensate, reimburse, or provide benefits to a person the department has designated as a volunteer or other auxiliary fire fighter in an amount that is equal to or more than what a person receives working 2,080 hours at the federal minimum wage.

(e) A person designated as a part-time fire protection employee under this section is subject to Section 419.0321.

~~[(e) A person certified as fire protection personnel in one fire department may be employed and designated as a part-time fire protection employee in another fire department without additional certification as a part-time fire protection employee.]~~

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 October 21, 2026.

TRD-202604467
Mike Wisko
Agency Chief
Texas Commission on Fire Protection
Earliest possible date of adoption: December 6, 2026
For further information, please call: (512) 936-3812

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CHAPTER 429. FIRE INSPECTOR AND PLAN EXAMINER

SUBCHAPTER B. MINIMUM STANDARDS FOR PLAN EXAMINER

37 TAC §429.203

The Texas Commission on Fire Protection (Commission) proposes an amendment to 37 Texas Administrative Code, Chapter 429, Fire Inspector and Plan Examiner, concerning §429.203, Minimum Standards for Plan Examiner I Certification.

Background and Purpose

The purpose of the proposed amendment is to rename the Plan Examiner I certification as Fire Plans Examiner throughout §429.203. The change conforms the section to the companion amendments to §429.201 and §429.205 published in the August 14, 2026, issue of the *Texas Register*. There is no other substantive change to the text of the section.

Fiscal Note and Impact on State and Local Government

Michael Wisko, Agency Chief, has determined that for each year of the first five-year period these rules are in effect, there will be no fiscal impact on state or local government as a result of enforcing or administering these rules.

Public Benefit and Cost Note

Mr. Wisko has also determined that for each of the first five years these rules are in effect, the anticipated public benefit will be improved clarity and consistency in commission rules. There are no anticipated economic costs to individuals required to comply with the proposed rules.

Local Economy Impact Statement

There is no anticipated effect on local employment or the local economy for the first five years the rules are in effect; therefore, no local employment impact statement is required under Texas Government Code §2001.022.

Economic Impact on Small Businesses, Micro-Businesses, and Rural Communities

The Commission has determined that there will be no effect on small or micro-businesses or rural communities as a result of implementing these rules; therefore, no economic impact statement or regulatory flexibility analysis is required under Texas Government Code §2006.002.

Government Growth Impact Statement

Under Texas Government Code §2001.0221, the Commission has determined that during the first five years the rules are in effect:

The rules will not create or eliminate a government program;

The rules will not create or eliminate any existing employee positions;

The rules will not require an increase or decrease in future legislative appropriations;

The rules will not result in an increase or decrease in fees paid to the agency;

The rules will not create a new regulation;

The rules will not expand, limit, or repeal an existing regulation;

The rules will not increase the number of individuals subject to the rule; and

The rules are not anticipated to have an adverse effect on the state's economy.

Takings Impact Assessment

The Commission has determined that the proposed rules do not restrict or burden private real-property rights and therefore do not constitute a taking under Texas Government Code §2007.043.

Costs to Regulated Persons

The proposed rules do not impose additional costs on regulated persons, including another state agency, a special district, or a local government, and therefore are not subject to Texas Government Code §2001.0045.

Environmental Impact Statement

The Commission has determined that the proposed rules do not require an environmental impact analysis because the rules are not major environmental rules under Texas Government Code §2001.0225.

Request for Public Comment

Comments on the proposed rules may be submitted in writing within 30 days of publication of this notice in the *Texas Register* to:

Frank King, General Counsel

Texas Commission on Fire Protection

P.O. Box 2286, Austin, Texas 78768

Email: frank.king@tcfp.texas.gov

Statutory Authority

The amendment is proposed under Texas Government Code §419.008, which authorizes the Commission to adopt rules for the administration of its powers and duties, and Texas Government Code §419.032, which authorizes the Commission to adopt rules relating to the appointment and certification of fire protection personnel.

Cross Reference To Statute

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

§429.203. Minimum Standards for Fire Plans Examiner [~~Plan Examiner I~~] Certification.

In order to be certified as a Plan Examiner I, an individual must:

(1) hold certification as a Basic Inspector; and

(2) possess valid documentation as a Fire Plans Examiner [~~Plan Examiner I~~] from either:

(A) the International Fire Service Accreditation Congress; or

(B) the National Board on Fire Service Professional Qualifications issued by the Texas A&M Engineering Extension Service using the 2009 or later edition of the NFPA standard applicable to this discipline and meeting the requirements as specified in §439.1(a)(2) of this title (relating to Requirements-General); or

(3) complete a Commission-approved Fire Plans Examiner [~~Plan Examiner I~~] training program and successfully pass the Commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved training program shall consist of one of the following:

(A) completion of the Commission-approved Fire Plans Examiner [~~Plan Examiner I~~] Curriculum, as specified in the Commission's Certification Curriculum Manual; or

(B) successful completion of an out-of-state, NFA, and/or military training program which has been submitted to the Commission for evaluation and found to meet the minimum requirements as listed in the Commission-approved Fire Plans Examiner [~~Plan Examiner I~~] Curriculum as specified in the Commission's Certification Curriculum Manual; or

(C) documentation of the receipt of a Fire Plans Examiner [~~Plan Examiner I~~] certificate issued by the State Firemen's and Fire Marshals' Association of Texas that is deemed equivalent to a Commission-approved Fire Plans Examiner [~~Plan Examiner I~~] curriculum.

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 October 21, 2026.

TRD-202604468
Mike Wisko
Agency Chief
Texas Commission on Fire Protection
Earliest possible date of adoption: December 6, 2026
For further information, please call: (512) 936-3812

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ADOPTED RULES

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

TITLE 19. EDUCATION

PART 2. TEXAS EDUCATION AGENCY

CHAPTER 100. CHARTERS

SUBCHAPTER AA. COMMISSIONER'S RULES CONCERNING OPEN-ENROLLMENT CHARTER SCHOOLS

The Texas Education Agency (TEA) adopts amendments to §§100.1021, 100.1025, 100.1035, 100.1095, 100.1111, 100.1117, 100.1119, 100.1121, 100.1207, and 100.1211, concerning the commissioner of education's rules for open-enrollment charter schools. The amendments to §§100.1021, 100.1025, 100.1035, 100.1095, 100.1119, 100.1121, 100.1207, and 100.1211 are adopted without changes to the proposed text as published in the July 3, 2026 issue of the *Texas Register* (51 TexReg 4312) and will not be republished. The amendments to §100.1111 and §100.1117 are adopted with changes to the proposed text as published in the July 3, 2026 issue of the *Texas Register* (51 TexReg 4312) and will be republished. The adopted amendment to §100.1207 specifies non-discriminatory enrollment criteria concerning students with records of serious disciplinary or criminal history to align the rule with Texas Education Code (TEC), §12.111, as amended by House Bill (HB) 6, 89th Texas Legislature, Regular Session, 2025. Further adopted amendments include new charter schools in the list of entities eligible for transfer of property, no-contact provisions for high-performing entity applicants, and clarifications for central administrative officer instructional training requirements.

REASONED JUSTIFICATION: Chapter 100 contains the primary rules governing open-enrollment charter schools in Texas. It outlines the regulations for charter authorization, governance, financial operations, and state oversight established by the TEA and the commissioner of education.

The amendment to §100.1021(d) removes the citation to §100.1035(d), as that citation does not apply.

New §100.1025(h) is added to prohibit high-performing entity applicants from contacting members of the State Board of Education during a certain period.

The amendment to §100.1035 removes subsection (c)(6), which addresses charter holder requests for high-quality campus designations prior to opening a new campus that is tied to an expansion amendment. The federal grant that required subsection (c)(6) is no longer in place.

The amendment to §100.1035(d)(2)(A) clarifies the commissioner's requirements concerning campus dormancy.

New §100.1095(c)(1)(B)(ii)(I)(-b-) includes new charter schools in the list of entities eligible for transfer of property. New charter schools were not on the list previously and this supports a strong new charter launch.

New §100.1111(a)(6) requires each charter school to file an annual disclosure that no school officials, board members, or their close relatives would benefit financially from real estate transactions if the school seeks facilities funding under TEC, §12.106(d).

The amendment to §100.1117(b) explains the new timelines for board members to complete the Texas Open Meetings Act and Texas Public Information Act trainings, replacing the one-calendar-year timeline. In response to public comment, §100.1117(b) was amended at adoption to provide that Texas Open Meetings Act and Texas Public Information Act training applies to board members, not to officers, and the phrase "assume the duties of their roles" was used at adoption to be more specific.

In response to public comment, §100.1117(d)(2)(A) was amended at adoption to provide that Texas Open Meetings Act and Texas Public Information Act training applies to board members, not to officers. Additionally, in response to public comment, the phrase "assume the duties of their roles" was used to be more specific.

The amendment to §100.1117(d)(3) renames the training topic "Evaluating and Improving Student Outcomes" to "Academics and Student Outcomes" to provide consistency and clarity.

The amendment to §100.1119(b) aligns the timeline for new governing board members to complete training to be consistent with the new timelines specified in §100.1117(b).

The amendment to §100.1119(e)(1) moves the requirement for central administrative officers to complete 20 additional instructional hours to new subsection (e)(2) and update the training topic in §100.1119(e)(1)(C) to "Academics and Student Outcomes" to provide consistency and clarity.

New §100.1119(e)(2) relocates language from §100.1119(e)(1), which requires 20 additional instructional hours for central administrative officers, as listed in §100.1117(d).

New §100.1121(b) specifies the timeline for governing board members and officers to complete their trainings by the last business day in July.

New §100.1207(d)(2)(A)-(C) details the nondiscriminatory enrollment criteria that may be used to determine a student's ineligibility for enrollment, which includes conduct resulting in placement in a disciplinary or juvenile justice alternative education program, conduct leading to expulsion, or conviction of a criminal offense or adjudication by a juvenile court, to align with TEC, §12.111, as amended by HB 6, 89th Texas Legislature, Regular Session, 2025.

The amendment to §100.1207(f)(4)(A)-(C) updates the nondiscriminatory enrollment criteria that may be used to determine a student's ineligibility for enrollment at a school specializing in performing arts, which includes conduct resulting in placement in a disciplinary or juvenile justice alternative education program, conduct leading to expulsion, or conviction of a criminal offense or adjudication by a juvenile court, to align with TEC, §12.111, as amended by HB 6, 89th Texas Legislature, Regular Session, 2025.

The amendment to §100.1211(g) removes the requirement for a charter school to submit a copy of the school's calendar to TEA, which duplicates an already required calendar submission under §103.1213(e)(3).

SUMMARY OF COMMENTS AND AGENCY RESPONSES: The public comment period on the proposal began July 3, 2026, and ended August 3, 2026. A request for a public hearing was received, and a hearing was held on August 3, 2026. An additional window for public comment on the proposal began August 14, 2026, and ended on August 28, 2026. Following is a summary of public comments received and agency responses.

Comment: The Texas State Teachers Association (TSTA) shared support for the clarification of the no-contact period for high-performing entity new school applicants and questioned if the period is shorter than other applicant types.

Response: The agency provides the following clarification. The no-contact period for Subchapter D charter applicants named in §100.1011(k) ends with external review. The proposed addition of 19 TAC §100.1025(h) is necessary, as the application process for high-performing entities does not include external review, and the no-contact period ends once the high-performing entity is determined as eligible.

Comment: The Texas Association of School Administrators (TASA), TSTA, and one Texas community member shared support for the proposal that charter schools meet criteria for discretionary expansion under 19 TAC §100.1035(d)(2)(A) in order to reopen a charter school campus after dormancy. The commenters called for the rule to be updated to remove discretionary decision-making and ensure that the commissioner requires these criteria.

Response: The agency disagrees. The addition of these criteria to reopen a campus after dormancy ensures that recent charter school performance will be reviewed prior to approving the reopening of the campus.

Comment: A Texas community member raised concerns that independent school districts (ISDs) are not notified of charter campuses reopening after dormancy or when grade levels are changed, as is required for charter school expansion.

Response: The agency disagrees. The updated criteria in 19 TAC §100.1035(d)(2)(A) for reopening dormant campuses provide additional oversight and regulation.

Comment: TASA and TSTA shared support for added assurances in order for charter schools to access funding under TEC, §12.106(e). TSTA questioned when this assurance will begin.

Response: The agency agrees. Adding this assurance to the governance reporting form allows for increased transparency while avoiding duplicative submissions for charter schools. The collection will take place during the governance reporting window each fall, from October through December.

Comment: TSTA shared support for the clarification of expansion requirements under 19 TAC §100.1035(d) applying to Subchapter E university charters.

Response: The agency agrees. The proposed rule corrects a citation to accurately apply 19 TAC §100.1035(d) to Subchapter E university charters.

Comment: TASA, Our Schools Our Democracy, and TSTA questioned whether new charter schools should be added to the list of entities eligible to receive a property transfer after a charter school closes under 19 TAC §100.1095(c)(1)(B)(ii)(I)(-b-).

Response: The agency disagrees. The proposed rule is in alignment with criteria for facilities funding under TEC, §12.106(e), which allows for funding of charter schools that have not yet been assigned a rating.

Comment: The Texas Public Charter Schools Association (TPCSA) shared support for the addition of new schools in the disposition of property when another charter school closes.

Response: The agency agrees that new schools that have not yet been assigned a rating can benefit from this transfer of property.

Comment: A Texas parent called for increased charter school accountability and reforms related to the Individuals with Disabilities Education Act.

Response: This comment is outside the scope of the proposed rulemaking.

Comment: TSTA questioned the removal of the high-quality campus designation and worried its removal would scale back Texas's commitment to high-quality campuses.

Response: The agency disagrees. Section 100.1035(c)(6) has been removed as the federal grant that required the subsection is no longer in place. Removing this subsection does not lower the bar for quality when considering schools for funding. Future grant funding opportunities can determine eligibility based on charter school performance aligned to criteria for expansion, charter school performance framework, number of students on a waitlist, or a variety of other indicators.

Comment: TPCSA questioned how the removal of the high-quality campus designation would affect the awarding of the State Facilities Incentive Grant.

Response: The agency provides the following clarification. While 19 TAC §100.1035(c)(6) has been removed, the grant program will continue to use performance criteria when determining eligibility. These criteria include recent academic accountability ratings, the absence of federal interventions or sanctions, and a Tier 1 rating on the charter school performance framework. The grant program guidelines will specify the applicable criteria.

Comment: TSTA questioned the adjusted timelines for board member training. The board training timeline was contrasted with ISD school board training timelines and the required hours within the first 120 days. Additionally, the increased flexibility of training hours for charter officers was questioned, and it was recommended that all officers should know general Texas education law.

Response: The agency disagrees. The adjusted timelines for board member and officer training allow for a timely completion of both core hours and total required hours within one year of appointment or hire while maintaining that Accountability to the Public hours are completed within the first 90 days. Long term,

this allows charter schools to track all hours by academic year as opposed to monitoring different timelines based on hire or appointment date in perpetuity. The increased flexibility allows officers to choose to access more training aligned to their role in school finance, instruction, and operations, and the agency supports this differentiation by role. Comments related to overall number of hours required are outside the scope of the current rule proposal, as these were not altered.

Comment: TPCSA and a Texas administrator recommended that the proposed requirement of Accountability to the Public training hours within the first 90 days be removed for officers and apply only to governing board members.

Response: The agency agrees. The rule has been revised at adoption to only require Texas Open Meetings Act and Texas Public Information Act trainings within the first 90 days for governing board members.

Comment: TPCSA recommended that language be updated from "date appointed or hired" to "date board members or officers assumed duties of the role" for clarity, as there can be a delay between hire date and when the role begins.

Response: The agency agrees. At adoption, the language has been updated to reflect the date board members or officers assumed the duties of the role to ensure the timeline begins accurately.

Comment: TPCSA shared support for streamlining training due dates for new board members and officers and for renaming "Evaluating and Improving Student Outcomes" to "Academics and Student Outcomes."

Response: The agency agrees. The adjustment to timelines allows for more efficient tracking, and the renamed training category provides greater clarity.

Comment: TSTA commented that the removal of calendar submissions to the Division of Charter School Authorizing leads to lessened transparency.

Response: The agency disagrees. This revision removes a duplicative submission, as calendars must also be submitted to the Office of School Safety. The intention is that schools do not have to submit the same calendar to the agency twice.

DIVISION 2. COMMISSIONER ACTION AND INTERVENTION

19 TAC §100.1021, §100.1025

STATUTORY AUTHORITY. The amendments are adopted under TEC, §12.101, as amended by HB 2102, 88th Texas Legislature, Regular Session, 2023, which requires the commissioner to adopt rules regarding criteria for granting a charter and providing notification for the establishment of new charters or campuses; TEC, §12.1011, which requires the commissioner to adopt rules regarding charter authorization for high-performing entities; TEC, §12.103, as amended by HB 1707, 88th Texas Legislature, Regular Session, 2023, which considers open-enrollment charter schools a school district for purposes related to land development standards, licensing, zoning, and various purposes and services; TEC, §12.104, as reenacted and amended by HB 4595 and HB 3, 88th Texas Legislature, Regular Session, 2023, and amended by HB 33, HB 2, Senate Bill (SB) 12, and SB 571, 89th Texas Legislature, Regular Session, 2025, which allows the commissioner to adopt rules permitting an open-enrollment charter school to voluntarily participate in any state program available to school districts if the school complies with all terms of the program; TEC, §12.111, as amended by HB 6, 89th Texas Legislature, Regular Session, 2025, which outlines required components of an open-enrollment charter to conduct non-discrimination admissions and provides that a charter school may exclude students with documented criminal or serious disciplinary histories; TEC, §12.114, as amended by HB 2102, 88th Texas Legislature, Regular Session, 2023, which provides that an open-enrollment charter school may only revise its charter with the approval of the commissioner; TEC, §12.1141, which provides the commissioner with the authority to adopt rules concerning when and how a charter campus may be designated as a high-quality campus; TEC, §12.115, which allows the commissioner to revoke or reconstitute a charter school's governing body; and TEC, §12.123, which requires the commissioner to adopt rules prescribing the training for members of the governing body of a charter school and its officers.

CROSS REFERENCE TO STATUTE. The amendments implement TEC, §12.101, as amended by HB 2102, 88th Texas Legislature, Regular Session, 2023; §12.1011; §12.103, as amended by HB 1707, 88th Texas Legislature, Regular Session, 2023; §12.104, as reenacted and amended by HB 4595 and HB 3, 88th Texas Legislature, Regular Session, 2023, and amended by HB 33, HB 2, SB 12, and SB 571, 89th Texas Legislature, Regular Session, 2025; §12.111, as amended by HB 6, 89th Texas Legislature, Regular Session, 2025; §12.114, as amended by HB 2102, 88th Texas Legislature, Regular Session, 2023; §12.1141; §12.115; and §12.123.

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 October 26, 2026.

TRD-202604523
Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Effective date: November 15, 2026
Proposal publication date: July 3, 2026
For further information, please call: (512) 475-1497

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DIVISION 3. COMMISSIONER ACTION, PERFORMANCE MONITORING, AND INTERVENTION

19 TAC §100.1035

STATUTORY AUTHORITY. The amendments are adopted under TEC, §12.101, as amended by HB 2102, 88th Texas Legislature, Regular Session, 2023, which requires the commissioner to adopt rules regarding criteria for granting a charter and providing notification for the establishment of new charters or campuses; TEC, §12.1011, which requires the commissioner to adopt rules regarding charter authorization for high-performing entities; TEC, §12.103, as amended by HB 1707, 88th Texas Legislature, Regular Session, 2023, which considers open-enrollment charter schools a school district for purposes related to land development standards, licensing, zoning, and various pur-

poses and services; TEC, §12.104, as reenacted and amended by HB 4595 and HB 3, 88th Texas Legislature, Regular Session, 2023, and amended by HB 33, HB 2, Senate Bill (SB) 12, and SB 571, 89th Texas Legislature, Regular Session, 2025, which allows the commissioner to adopt rules permitting an open-enrollment charter school to voluntarily participate in any state program available to school districts if the school complies with all terms of the program; TEC, §12.111, as amended by HB 6, 89th Texas Legislature, Regular Session, 2025, which outlines required components of an open-enrollment charter to conduct non-discrimination admissions and provides that a charter school may exclude students with documented criminal or serious disciplinary histories; TEC, §12.114, as amended by HB 2102, 88th Texas Legislature, Regular Session, 2023, which provides that an open-enrollment charter school may only revise its charter with the approval of the commissioner; TEC, §12.1141, which provides the commissioner with the authority to adopt rules concerning when and how a charter campus may be designated as a high-quality campus; TEC, §12.115, which allows the commissioner to revoke or reconstitute a charter school's governing body; and TEC, §12.123, which requires the commissioner to adopt rules prescribing the training for members of the governing body of a charter school and its officers.

CROSS REFERENCE TO STATUTE. The amendments implement TEC, §12.101, as amended by HB 2102, 88th Texas Legislature, Regular Session, 2023; §12.1011; §12.103, as amended by HB 1707, 88th Texas Legislature, Regular Session, 2023; §12.104, as reenacted and amended by HB 4595 and HB 3, 88th Texas Legislature, Regular Session, 2023, and amended by HB 33, HB 2, SB 12, and SB 571, 89th Texas Legislature, Regular Session, 2025; §12.111, as amended by HB 6, 89th Texas Legislature, Regular Session, 2025; §12.114, as amended by HB 2102, 88th Texas Legislature, Regular Session, 2023; §12.1141; §12.115; and §12.123.

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 October 26, 2026.

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Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Effective date: November 15, 2026
Proposal publication date: July 3, 2026
For further information, please call: (512) 475-1497

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DIVISION 5. PROPERTY OF OPEN-ENROLLMENT CHARTER SCHOOLS

19 TAC §100.1095

STATUTORY AUTHORITY. The amendments are adopted under TEC, §12.101, as amended by HB 2102, 88th Texas Legislature, Regular Session, 2023, which requires the commissioner to adopt rules regarding criteria for granting a charter and providing notification for the establishment of new charters or campuses; TEC, §12.1011, which requires the commissioner to adopt rules regarding charter authorization for high-performing entities; TEC, §12.103, as amended by HB 1707, 88th Texas Legislature, Regular Session, 2023, which considers open-enrollment charter schools a school district for purposes related to land development standards, licensing, zoning, and various purposes and services; TEC, §12.104, as reenacted and amended by HB 4595 and HB 3, 88th Texas Legislature, Regular Session, 2023, and amended by HB 33, HB 2, Senate Bill (SB) 12, and SB 571, 89th Texas Legislature, Regular Session, 2025, which allows the commissioner to adopt rules permitting an open-enrollment charter school to voluntarily participate in any state program available to school districts if the school complies with all terms of the program; TEC, §12.111, as amended by HB 6, 89th Texas Legislature, Regular Session, 2025, which outlines required components of an open-enrollment charter to conduct non-discrimination admissions and provides that a charter school may exclude students with documented criminal or serious disciplinary histories; TEC, §12.114, as amended by HB 2102, 88th Texas Legislature, Regular Session, 2023, which provides that an open-enrollment charter school may only revise its charter with the approval of the commissioner; TEC, §12.1141, which provides the commissioner with the authority to adopt rules concerning when and how a charter campus may be designated as a high-quality campus; TEC, §12.115, which allows the commissioner to revoke or reconstitute a charter school's governing body; and TEC, §12.123, which requires the commissioner to adopt rules prescribing the training for members of the governing body of a charter school and its officers.

CROSS REFERENCE TO STATUTE. The amendments implement TEC, §12.101, as amended by HB 2102, 88th Texas Legislature, Regular Session, 2023; §12.1011; §12.103, as amended by HB 1707, 88th Texas Legislature, Regular Session, 2023; §12.104, as reenacted and amended by HB 4595 and HB 3, 88th Texas Legislature, Regular Session, 2023, and amended by HB 33, HB 2, SB 12, and SB 571, 89th Texas Legislature, Regular Session, 2025; §12.111, as amended by HB 6, 89th Texas Legislature, Regular Session, 2025; §12.114, as amended by HB 2102, 88th Texas Legislature, Regular Session, 2023; §12.1141; §12.115; and §12.123.

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 October 26, 2026.

TRD-202604522
Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Effective date: November 15, 2026
Proposal publication date: July 3, 2026
For further information, please call: (512) 475-1497

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DIVISION 6. CHARTER SCHOOL GOVERNANCE

19 TAC §§100.1111, 100.1117, 100.1119, 100.1121

STATUTORY AUTHORITY. The amendments are adopted under TEC, §12.101, as amended by HB 2102, 88th Texas Legislature, Regular Session, 2023, which requires the commis-

sioner to adopt rules regarding criteria for granting a charter and providing notification for the establishment of new charters or campuses; TEC, §12.1011, which requires the commissioner to adopt rules regarding charter authorization for high-performing entities; TEC, §12.103, as amended by HB 1707, 88th Texas Legislature, Regular Session, 2023, which considers open-enrollment charter schools a school district for purposes related to land development standards, licensing, zoning, and various purposes and services; TEC, §12.104, as reenacted and amended by HB 4595 and HB 3, 88th Texas Legislature, Regular Session, 2023, and amended by HB 33, HB 2, Senate Bill (SB) 12, and SB 571, 89th Texas Legislature, Regular Session, 2025, which allows the commissioner to adopt rules permitting an open-enrollment charter school to voluntarily participate in any state program available to school districts if the school complies with all terms of the program; TEC, §12.111, as amended by HB 6, 89th Texas Legislature, Regular Session, 2025, which outlines required components of an open-enrollment charter to conduct non-discrimination admissions and provides that a charter school may exclude students with documented criminal or serious disciplinary histories; TEC, §12.114, as amended by HB 2102, 88th Texas Legislature, Regular Session, 2023, which provides that an open-enrollment charter school may only revise its charter with the approval of the commissioner; TEC, §12.1141, which provides the commissioner with the authority to adopt rules concerning when and how a charter campus may be designated as a high-quality campus; TEC, §12.115, which allows the commissioner to revoke or reconstitute a charter school's governing body; and TEC, §12.123, which requires the commissioner to adopt rules prescribing the training for members of the governing body of a charter school and its officers.

CROSS REFERENCE TO STATUTE. The amendments implement TEC, §12.101, as amended by HB 2102, 88th Texas Legislature, Regular Session, 2023; §12.1011; §12.103, as amended by HB 1707, 88th Texas Legislature, Regular Session, 2023; §12.104, as reenacted and amended by HB 4595 and HB 3, 88th Texas Legislature, Regular Session, 2023, and amended by HB 33, HB 2, SB 12, and SB 571, 89th Texas Legislature, Regular Session, 2025; §12.111, as amended by HB 6, 89th Texas Legislature, Regular Session, 2025; §12.114, as amended by HB 2102, 88th Texas Legislature, Regular Session, 2023; §12.1141; §12.115; and §12.123.

§100.1111. Annual Report on Open-Enrollment Charter Governance.

(a) Using a format and timeline as approved by the commissioner of education, each open-enrollment charter holder shall file under §100.1003 of this title (relating to Filing of Documents), the following information on an annual basis:

(1) identifying information for and compensation of each officer and member of the governing body of the open-enrollment charter holder;

(2) identifying information for and compensation of each officer of the charter school;

(3) identifying information for and compensation of each member of the governing body of the charter school, if the charter holder has established a governing body for the charter school;

(4) identifying information for and compensation of all family members, within the third degree of consanguinity or third degree of affinity of each board member, chief executive officer/superintendent, and chief financial officer for purposes of conflict of interest;

(5) identifying information for and compensation of all family members, within the third degree of consanguinity or second degree of affinity of each board member and chief executive officer/superintendent for purposes of nepotism; and

(6) written certification indicating none of the following derives any financial benefit from a real estate transaction with the school should the school seek facilities funding under Texas Education Code, §12.106(d):

(A) an administrator, officer, or employee of the school;

(B) a member of the governing body of the school or its charter holder; or

(C) a person related within the third degree by consanguinity or second degree by affinity, as determined under Texas Government Code, Chapter 573, to a person described by subparagraph (A) or (B) of this paragraph.

(b) The identifying information required for each member of the governing body of the open-enrollment charter holder, each member of the governing body of the charter school, and each chief executive officer/superintendent shall include:

(1) the title of each position held, or function performed, by the individual;

(2) the specific powers and duties that the governing body of the charter holder or charter school have delegated to the individual, as described by the powers and duties listed in the charter;

(3) the legal name of the individual;

(4) any aliases or names formerly used by the individual, including maiden name;

(5) a mailing address unique for the individual;

(6) a telephone number and electronic mail address unique for the individual;

(7) the county and state in which the individual is registered to vote, if a governing body member of the charter holder or charter school; and

(8) assurance that criminal records history check has been made and reported to the Texas Education Agency pursuant to §100.1153 of this title (relating to Criminal History; Restrictions on Serving).

(c) The compensation information required for an individual under subsection (a) of this section shall include all compensation, remuneration, and benefits received by the individual in any capacity from the charter holder or the charter school, or from any contractor or management company doing business with the charter holder or charter school. The compensation reported shall include without limitation:

(1) all salary, bonuses, benefits, or other compensation received pursuant to an employment relationship;

(2) all compensation received for goods or services under contract, agreement, informal arrangement, or otherwise;

(3) all payment of or reimbursement for personal expenses;

(4) all credit extended to the individual by the charter holder or charter school;

(5) the fair market value of all personal use of property paid for by the charter holder or charter school;

(6) the fair market value of all in-kind transfers of property;

(7) all compensation for goods or services provided to the charter holder through transactions unrelated to the charter school;

(8) all other forms of compensation or remuneration received by the individual from the charter holder or charter school;

(9) all forms of compensation received from a business in which a person under subsection (a) of this section has a significant interest in, pursuant to Texas Government Code, Chapter 171; and

(10) any payment or form of compensation to an individual under subsection (a) of this section by any and all family members, within the third degree of consanguinity or third degree of affinity.

§100.1117. Core Training for New Governing Board Members and Officers.

(a) Training required. A new governing board member or officer, defined as any board member or officer who has not served in their position or similar position requiring the core program training with a Texas charter school in the last three years, must complete core training that consists of 10 instructional hours outlined in this section.

(b) Timeline for completing training. The timeline for core training is determined by the month in which new board members or officers assume the duties of their roles.

(1) All governing board members, regardless of appointment or hiring month, must complete the Texas Open Meetings Act training and the Texas Public Information Act training within the first 90 days after assuming the duties of their roles.

(2) For board members and officers assuming the duties of their roles prior to October 1, core training will be due the same academic year by the last business day of July.

(3) For board members and officers assuming the duties of their roles on or after October 1, core training will be due by December 1 of the following academic year.

(c) Required curriculum outline. The commissioner of education shall approve and disseminate a curriculum outline that specifies all core training content, time, and delivery requirements. Training that does not conform to the core curriculum outline does not satisfy the requirements of this section.

(d) Core training content. The core training shall cover, at minimum, the following topics:

(1) Charter Law, including:

(A) history and purpose of charter schools;

(B) charter holder contractual obligations to the Texas Education Agency (TEA);

(C) charter holder bylaws, charter board governance policy, and charter district policies and procedures;

(D) charter School Performance Framework;

(E) charter contract renewal with TEA;

(F) charter amendments;

(G) contract revocation;

(H) student enrollment and lotteries;

(I) roles and responsibilities by officer type;

(J) ensuring services to special populations;

(K) student code of conduct, student discipline, and parental rights; and

(L) other laws and rules that apply to charter holders;

(2) Accountability to the Public, including:

(A) Texas Open Meetings Act, open meetings requirements under Texas Government Code, Chapter 551, with special emphasis on posting the agenda, executive sessions, accessibility of the meeting location to the public, employee board members, and civil and criminal sanctions, which must be completed by new governing board members within the first 90 days after assuming the duties of their roles;

(B) Texas Public Information Act requirements under Texas Government Code, Chapter 552, which must be completed by new governing board members within the first 90 days after assuming the duties of their roles;

(C) nepotism and conflicts of interest;

(D) audits, investigations, and sanctions, with an emphasis on mandatory revocation for three consecutive unacceptable performance ratings required by Texas Education Code (TEC), §12.115(c), and mandatory expiration for three out of five unacceptable performance ratings required by TEC, §12.1141(d);

(E) student records and privacy; and

(F) other accountability or transparency requirements that apply to charter holders;

(3) Academics and Student Outcomes, including:

(A) Texas Essential Knowledge and Skills;

(B) State of Texas Assessments of Academic Readiness;

(C) Texas A-F Accountability System;

(D) setting school board required specific, quantifiable student outcome goals for all students and disaggregated student groups;

(E) adopting plans to improve early literacy and numeracy and college, career, and military readiness;

(F) Results Driven Accountability;

(G) progress monitoring practices to improve student outcomes; and

(H) other best practices for improving student outcomes;

(4) Accountability for Public Funds, including:

(A) school finance in Texas, with an emphasis on charter finance;

(B) Financial Integrity Rating System of Texas;

(C) Annual Financial and Compliance Report;

(D) Financial Accountability System Resource Guide;

(E) financial controls and monitoring financial health;

(F) annual budgets; and

(G) other items related to school finance, risk management, related party transactions, or financial oversight; and

(5) School Safety, including:

(A) school safety plans and audits;

(B) school emergency and safety drills;

(C) behavioral threat assessment;

(D) school safety and security committee;

(E) school security guard;

(F) traumatic injury response;

(G) identifying child abuse and human trafficking;

(H) school safety facility standards; and

(I) other items related to school safety or student health.

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 October 26, 2026.

TRD-202604520
Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
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Proposal publication date: July 3, 2026
For further information, please call: (512) 475-1497

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DIVISION 7. CHARTER SCHOOL OPERATIONS

19 TAC §100.1207, §100.1211

STATUTORY AUTHORITY. The amendments are adopted under TEC, §12.101, as amended by HB 2102, 88th Texas Legislature, Regular Session, 2023, which requires the commissioner to adopt rules regarding criteria for granting a charter and providing notification for the establishment of new charters or campuses; TEC, §12.1011, which requires the commissioner to adopt rules regarding charter authorization for high-performing entities; TEC, §12.103, as amended by HB 1707, 88th Texas Legislature, Regular Session, 2023, which considers open-enrollment charter schools a school district for purposes related to land development standards, licensing, zoning, and various purposes and services; TEC, §12.104, as reenacted and amended by HB 4595 and HB 3, 88th Texas Legislature, Regular Session, 2023, and amended by HB 33, HB 2, Senate Bill (SB) 12, and SB 571, 89th Texas Legislature, Regular Session, 2025, which allows the commissioner to adopt rules permitting an open-enrollment charter school to voluntarily participate in any state program available to school districts if the school complies with all terms of the program; TEC, §12.111, as amended by HB 6, 89th Texas Legislature, Regular Session, 2025, which outlines required components of an open-enrollment charter to conduct non-discrimination admissions and provides that a charter school may exclude students with documented criminal or serious disciplinary histories; TEC, §12.114, as amended by HB 2102, 88th Texas Legislature, Regular Session, 2023, which provides that an open-enrollment charter school may only revise its charter with the approval of the commissioner; TEC, §12.1141, which provides the commissioner with the authority to adopt rules concerning when and how a charter campus may be designated as a high-quality campus; TEC, §12.115, which allows the commissioner to revoke or reconstitute a charter school's governing body; and TEC, §12.123, which requires the commissioner to adopt rules prescribing the training for members of the governing body of a charter school and its officers.

CROSS REFERENCE TO STATUTE. The amendments implement TEC, §12.101, as amended by HB 2102, 88th Texas Legislature, Regular Session, 2023; §12.1011; §12.103, as amended by HB 1707, 88th Texas Legislature, Regular Session, 2023; §12.104, as reenacted and amended by HB 4595 and HB 3, 88th Texas Legislature, Regular Session, 2023, and amended by HB 33, HB 2, SB 12, and SB 571, 89th Texas Legislature, Regular Session, 2025; §12.111, as amended by HB 6, 89th Texas Legislature, Regular Session, 2025; §12.114, as amended by HB 2102, 88th Texas Legislature, Regular Session, 2023; §12.1141; §12.115; and §12.123.

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 129. STUDENT ATTENDANCE SUBCHAPTER AA. COMMISSIONER'S RULES

19 TAC §129.1025

The Texas Education Agency (TEA) adopts an amendment to §129.1025, concerning the student attendance accounting handbook. The amendment is adopted without changes to the proposed text as published in the July 10, 2026 issue of the *Texas Register* (51 TexReg 4456) and will not be republished; however, the handbook adopted by reference in the rule includes changes at adoption. The amendment adopts by reference the *2026-2027 Student Attendance Accounting Handbook.* The handbook provides student attendance accounting rules for school districts and charter schools.

REASONED JUSTIFICATION: TEA has adopted its student attendance accounting handbook (SAAH) in rule since 2001. Attendance accounting evolves from year to year, so §129.1025 is updated at least annually to refer to the most recently adopted SAAH.

Each edition of the SAAH provides school districts and charter schools with the Foundation School Program (FSP) eligibility requirements of all students, prescribes the minimum requirements of all student attendance accounting systems, lists the documentation requirements for attendance audit purposes, and details the responsibilities of all district personnel involved in student attendance accounting. TEA distributes FSP resources under the procedures specified in each current SAAH, which is published on the TEA website. Supplements, if necessary, are also published on the TEA website.

The amendment to §129.1025 adopts by reference the SAAH for the 2026-2027 school year. The adopted handbook is available

on the TEA website at https://tea.texas.gov/data-reports/financial-compliance/student-attendance-accounting-handbook.

At the time of this adoption, TEA is in the process of updating the details of how the state special education allotment will be calculated and distributed based on Texas Education Code (TEC), §§48.102, 48.1021, and 48.1022, which became effective on September 1, 2026. Readers are advised to coordinate all references to special education throughout the handbook with TEA's special education funding transition materials and the most recently adopted commissioner rules in the Texas Administrative Code (TAC), which will be posted on the TEA website as they are effective.

The *2026-2027 Student Attendance Accounting Handbook* includes the following significant changes.

The changes to Section 1, Overview, emphasize that all special education references will be reviewed in conjunction with current TEA transition materials and adopted TAC rules.

In response to public comment, Section 2, Audit Requirements, was modified to delete all references to educational environment and clarify that instructional arrangements are still collected during the 2026-2027 school year.

The changes to Section 3, General Attendance Requirements, include adding a requirement that, beginning in the 2026-2027 school year, districts must have at least 165 instructional days to qualify for a staff development waiver; adding references to new TEC, Chapter 30B, in Section 3.6.3; clarifying that students who have met all diploma requirements are not eligible to generate average daily attendance (ADA), with specified exceptions; and reflecting the repeal of the prohibition on receiving both Additional Days School Year (ADSY) and Senate Bill (SB) 1882 funds, allowing districts to receive both.

The changes to Section 4, Special Education, provide detail about funding for special education in the 2026-2027 school year and the special education funding transition. The changes also clarify Early Childhood Special Education (ECSE) service eligibility, homebound service hours, and current practices.

In response to public comment, the agency has updated Section 4 at adoption to clarify that the special education funding model applies to all students equally if they are enrolled; there is no difference for ECSE students.

In response to public comment, Section 4.3.5 has been added to address students who transfer to the district after having accessed a Texas Education Freedom Account (TEFA) and having received additional TEFA funds as a child with a disability.

The changes to Section 5, Career and Technical Education (CTE), provide details about the increase in funding that aligns the handbook with House Bill (HB) 120, 89th Texas Legislature, Regular Session, 2025, and clarify that CTE contact hours should be based on the days CTE course are scheduled. Changes also include clarification on CTE weighted funding calculations.

In response to public comment, the previous language in Section 5.5 was reinstated in the 2026-2027 SAAH.

In response to public comment, Section 7, Prekindergarten (Pre-K), was modified to revise language regarding eligibility to repeat prekindergarten.

The changes to Section 11, Non-Traditional Programs, provide funded virtual education for OFSDP to align the handbook with SB 569, 89th Texas Legislature, Regular Session, 2025. The ADSY program adds two ADSY days beyond the required 25 in order for school systems to access the three-quarter-day formula funding provided in statute. Additional changes decrease the 180-day ADSY calendar to 175 days to align the handbook with HB 2, 89th Texas Legislature, Regular Session, 2025. Further changes remove provisions preventing a district from drawing down both ADSY and SB 1882 funds, as that limitation is no longer included in TEC, §48.252. Other changes to Section 11 prohibit requiring a student enrolled in an early college high school (ECHS) or Pathways in Technology Early College High School (P-TECH) course for high school graduation credit to pay for tuition, fees, or required textbooks.

In response to public comment, additional clarification regarding Years 5 and 6 funding for Rural Pathway Excellence Partnership (R-PEP) students was added to the SAAH.

In response to public comment, the phrase "member states" has been removed from the SAAH.

In response to public comment, additional guidance and language regarding adult charter schools has been added to the SAAH.

The changes to Section 12, Virtual, Remote, and Electronic Instruction, modify language to reflect the new funding and attendance methods established by SB 569 and reflect the addition of the newly created virtual and hybrid education options for funding in TEC, Chapter 30B.

In response to public comment, the handbook has been revised to provide flexibility and clarity by establishing enrollment requirements based on either a specified number of virtual or hybrid courses or when such instruction exceeds 50% of a student's course schedule.

In response to public comment, the guidance in Section 12 was reorganized, the number of subsections was reduced, and summary charts were added to provide side-by-side comparisons of the various programs.

In response to public comment, the agency removed "on-campus" as a location for remote conferencing that would require a waiver. A waiver is now required only for students participating from off-campus locations.

The changes to Section 13, the Appendix and the Glossary, update glossary terms and weighted funding calculations.

In response to public comment, references to 19 TAC §89.1121 and §89.1125 have been added in the Appendix. Additionally, Section 4.19 has been added, and notes throughout the handbook have been updated to reflect the new special education funding system.

A document detailing all changes to the *2026-2027 Student Attendance Accounting Handbook* is available on the TEA website at https://tea.texas.gov/data-reports/financial-compliance/student-attendance-accounting-handbook.

SUMMARY OF COMMENTS AND AGENCY RESPONSES: The public comment period on the proposal began July 10, 2026, and ends August 10, 2026. Following is a summary of the public comments received and agency responses.

Section 2, Audit Requirements:

Comment: A district manager of Student Information Systems and Public Information Management System (PEIMS) noted that Section 2.3.3 should be revised to align with current PEIMS at-

tendance reporting practices. The commenter stated that since attendance data is reviewed and certified through the PEIMS attendance submission process, superintendent certification could satisfy the existing 6-week attendance report review, thereby reducing duplicate administrative processes while maintaining accountability and consistency statewide.

Response: The agency disagrees as the SAAH mandates the review of certain reports by staff prior to superintendent review and submission.

Comment: A student product manager stated that the audit requirements reference educational environment as replacing the instructional setting code and special education eligible days present; however, the TWEDS 2027.2.0 changelog indicates the EducationalEnvironmentSet is being removed. The commenter requested that TEA update the SAAH to align with current PEIMS/TWEDS data collection requirements.

Response: The agency agrees. At adoption, the agency has deleted references to educational environment in Chapter 2 and has clarified that instructional arrangements are still collected during the 2026-2027 school year.

Section 3, General Attendance Requirements

Comment: A deputy superintendent of business recommended replacing "175 full days" with "175 days" since the statute does not require "full" days and some districts use waiver minutes that reduce the length of the school day. The commenter also recommended removing the requirement that all instructional tracks meet the 175-day threshold, noting that some tracks are used only for attendance tracking of small special education populations. The commenter stated that the existing base calendar requirement adequately demonstrates a 175-day program before adding ADSY-funded days, consistent with House Bill 2.

Response: The agency disagrees. The phrase "all instructional tracks" appears twice in the SAAH to describe the requirement that tracks must meet the 75,600-minute minimum requirement and when specifically describing the required days for ADSY. In Section 3.8.3, "full" refers to the required days for ADSY.

Comment: A Texas parent commented that funding Texas schools based on attendance leaves children and departments in the school inadequately funded.

Response: The agency disagrees. Any change to the current funding mechanism requires legislative action, is not a process that TEA can unilaterally change, and falls outside the scope of the SAAH.

Comment: State Representative Mary Gonzalez expressed support for Senate Bill 991, noting that defining and collecting data on chronic absenteeism and truancy will help districts identify attendance trends, better target interventions, and support students who may have previously been overlooked. The representative expressed appreciation for TEA's commitment to improving student outcomes across Texas.

Response: The agency agrees; however, this comment is outside the scope of the SAAH.

Comment: Disability Rights Texas (DRTx) recommended clarifying Section 3.6.3 to explicitly state that students with disabilities participating in 18+ programs or receiving 18+ services, including off-campus services, are considered present for FSP funding purposes. The commenter stated that this would align attendance guidance with existing provisions for alternative attendance methods used in community-based instruction.

Response: The agency disagrees. The list in Section 3.6.3 of the SAAH references statutorily required excused absences for purposes of FSP funding. Students in 18+ programs can be counted present during an alternative attendance taking time, which is mentioned in Section 3.6.2.2 of the SAAH.

Section 4, Special Education

Comment: An education service center specialist commented that Section 4 of the SAAH should be updated to clarify that special education weighted funding must be discontinued during disciplinary removals when a student does not receive services outlined in their individualized education program (IEP) for more than 10 consecutive days, consistent with federal requirements. The commenter stated that language should mirror existing guidance for career and technical education (CTE) and emergent bilingual students. The specialist also recommended revising the final sentence in Section 4.6 to improve clarity regarding short-term removals.

Response: The agency disagrees. Special education services are required to be provided, regardless of whether funding is generated. Section 4.6 simply refers to not reporting contact hours if those services are not provided for purposes of state funding. Federal law does not make an exception to the requirement for children to receive educational services even while in an interim alternative placement.

Comment: An ECSE specialist requested additional SAAH guidance for students who remain in ECSE beyond age 5 at a parent's request and that the agency clarify coding and enrollment procedures, address eligible early education (EE) coding limitations when a student turns six, consider allowing EE coding through the school year if the student was age five on September 1, and allow the Childhood Outcomes Survey (COS) exit process at year-end regardless of age. Also, the commenter requested a correction from ESCE to ECSE in Sections 4.9.4 and 4.9.9 of the 2026-2027 SAAH Change Document.

Response: The agency disagrees. The commenter's recommendations are not SAAH determinations but rather local education agency and admission, review, and dismissal (ARD) committee decisions. More guidance regarding students who remain in ECSE beyond age 5, appropriate coding, and enrollment procedures will be addressed and clarified in separate guidance and linked in the SAAH. The COS exit process is also not a SAAH determination but rather a data-gathering process outside of SAAH. More information regarding the COS process exit criteria can be found in the special education Summer Submission Guidance document.

Comment: An ECSE specialist asked whether the new special education funding model will affect the instructional setting charts on pages 131 and 132 since instructional setting codes are part of the new funding methodology. The specialist also requested clarification on whether ECSE will be included in the new funding model or remain a separate chart.

Response: The agency provides the following clarification. The special education funding model applies to all students equally if they are enrolled; there is no difference for ECSE students.

Comment: DRTx recommended updating Section 4.3 to address students returning from the TEFA program, including requirements to review TEFA or standard IEP documentation and determine whether a new full and individual initial evaluation and/or IEP is needed.

Response: The agency agrees. At adoption, new Section 4.3.5 has been added to address students who transfer to the district after having accessed a TEFA and having received additional TEFA funds as a child with a disability.

Comment: DRTx recommended revising Section 4.7.2 to require physician documentation before homebound placement is considered for students ages 3-5, with the ARD committee determining whether homebound is the most appropriate placement.

Response: The agency disagrees. At times, the ARD committee will determine that educational services at home reflect a child's most natural environment, which is part of considerations for a young child when determining necessary special education and related services.

Comment: DRTx recommended updating the Code 96 definition in Section 4.7.20 to include students with disabilities served primarily in alternative instructional units, improving transparency in reporting separate campus placements.

Response: The agency disagrees. It would not be appropriate at this time, especially since instructional arrangements will not be reported after the 2026-2027 school year. TEA will, however, research over the 2026-2027 school year whether a specific data element can be added in a future school year to address the commenter's concern.

Section 5, Career and Technical Education

Comment: A senior director of training at Career & Technical Association of Texas stated that the proposed CTE contact hour revisions for block schedules appear to be a substantive methodology change, not merely clarification, because they alter V-code assignments, contact hour calculations, and resulting CTE funding. The commenter expressed concern that funding differences could be driven by bell schedule design rather than instructional time and requested additional explanation and clarification.

Response: The agency agrees and recognizes that the recent language revisions may have resulted in unintended confusion rather than improved clarity. Accordingly, the previous language in Section 5.5 has been reinstated in the 2026-2027 SAAH.

Comment: A deputy superintendent of business and a Texas teacher recommended revising Sections 5.2 and 5.5 so that the 45-minute requirement is based on an average daily instructional time rather than 45 minutes every day. The Texas teacher further expressed concern that the proposed 45-minute daily requirement is unfair, noting that districts with shorter class periods on some days could lose funding despite providing equal or greater total instructional minutes. They noted that V-codes are determined using average minutes, and funding calculations should use the same approach to maintain flexibility and align with the legislature's intent to base funding on instructional minutes rather than rigid daily schedules.

Response: The agency disagrees. CTE instruction often involves specialized equipment that must be set up and dismantled, so a minimum class period of 45 minutes is necessary to support effective instruction and operations. CTE weighted funding is provided because labs, equipment, and materials are more expensive to operate than traditional core classes.

Section 7, Prekindergarten (Pre-K)

Comment: Two Texas parents stated that Texas Education Code, §29.153, establishes minimum age requirements for prekindergarten but does not require a September 1 cutoff date. The parents stated that this policy excludes otherwise eligible students with late-September birthdays, potentially delaying enrollment by a full year and limiting early learning opportunities, particularly for English language learner students who benefit from early language development and school readiness experiences.

Response: The agency disagrees. Any change to the current funding mechanism requires legislative action and is outside the scope of the SAAH.

Comment: A PEIMS coordinator asked for clarification on the effective date for prekindergarten eligibility and ADA funding when a student is identified through direct certification after the school year begins but the direct-certification record shows an earlier eligibility date. The coordinator further asked for guidance and an example in Sections 7.2.3 and 7.5 addressing whether the eligibility date on the direct-certification record or the date the district receives the record determines the start date for prekindergarten ADA funding, whether districts may retroactively update the student's ADA eligibility code and eligible days present back to the student's first day of attendance, and what documentation districts must retain to support any retroactive corrections.

Response: The agency disagrees. Section 7.2 of the SAAH clearly states that districts must verify a student's prekindergarten eligibility and maintain supporting documentation on file before reporting eligible prekindergarten days present for funding. A student may not be reported as eligible for prekindergarten ADA until the district has obtained documentation verifying eligibility. Because Section 7.2 already establishes the requirements for verifying eligibility and claiming funding, no additional clarification or examples are needed.

Comment: A Texas administrator stated that the statement in Section 7.2 is unclear because the language after "or" does not specify whether the child must have been previously eligible for prekindergarten or currently qualify under an eligibility criterion. The administrator requested TEA revise the language to clarify that eligibility to repeat prekindergarten applies only to a student who was previously eligible for prekindergarten and has not yet enrolled in Kindergarten.

Response: The agency agrees, and language in Section 7.2 related to prekindergarten eligibility has been revised at adoption.

Comment: An executive director of special education commented that page 131 of the SAAH addresses instructional arrangement codes 41 and 42 only for half-day prekindergarten students and asked for clarification on how these codes apply to full-day prekindergarten students who otherwise meet the eligibility criteria.

Response: The agency disagrees that updates are needed; however, the agency has added a reference that the chart will be deleted beginning with the 2027-2028 SAAH so that readers are directed to the guidance document associated with prekindergarten program coding and students with disabilities.

Section 10, Alternative Education Programs and Disciplinary Removals

Comment: DRTx recommended adding guidance to Section 10 requiring an ARD committee meeting within 10 school days of placing a student with a disability in an alternative education program (AEP) or virtual expulsion program (VEP), with AEP/VEP administrators participating to ensure required special education and related services are provided.

Response: The agency disagrees. The district would be responsible for determining the services the student would receive during participation in either program and must hold an ARD committee meeting if it results in a change of placement.

Comment: DRTx recommended clarifying Section 10.6.1 to define daily participation in a VEP for students with disabilities as logging into the program, engaging with an instructor, and making progress in the curriculum.

Response: The agency disagrees as the standards for attendance will apply for students with and without disabilities.

Section 11, Non Traditional Programs

Comment: Empower School requested additional guidance in the SAAH on how 5th- and 6th-year funding for P-TECH and R-PEP programs is calculated and distributed, including how funds flow to the receiving entity (e.g., school district or higher education partner).

Response: The agency agrees and has revised the SAAH at adoption to provide additional clarification regarding Year 5 and Year 6 funding for R-PEP students, including applicable funding and attendance accounting requirements.

Comment: An at-risk coordinator stated that Section 11.9 references "member states" participating in the Interstate Compact on Educational Opportunity for Military Children but that all 50 states and the District of Columbia currently participate.

Response: The agency agrees and has removed the phrase "member states" from the SAAH at adoption.

Comment: A Texas teacher stated that the SAAH does not appear to provide specific attendance accounting and funding guidance for adult charter school students. The teacher asked for clarification on how funding is calculated for adult charter students who are reported as 100% enrolled, how and when enrollment is tracked and reported for funding purposes, what accountability measures ensure adult charter schools provide educational services to funded students, and whether additional attendance accounting and reporting requirements for adult charter programs should be included in the SAAH to promote transparency and consistency.

Response: The agency agrees and has modified Section 11 at adoption to address the commenter's concerns.

Section 12, Virtual, Hybrid, Remote and Electronic Instruction

Comment: A Texas administrator commented that for a student in an 8-period day who takes four courses in person and four virtually, the proposed SAAH appears to require enrollment in a full-time virtual or hybrid program or campus. The administrator requested revising the guidance to specify that students taking virtual or hybrid courses for more than 50% of the instructional day must be enrolled in a full-time virtual or hybrid program or campus.

Response: The agency agrees. The agency recognizes that the percentage of a student's schedule delivered through virtual or hybrid instruction is an important consideration. To provide both flexibility and clarity, the handbook has been revised at adoption to include enrollment requirements based on either a specified number of virtual or hybrid courses or when virtual or hybrid instruction exceeds 50% of a student's course schedule.

Comment: A Texas teacher, parent, and principal stated that the section on virtual and hybrid learning is lengthy, repetitive, and difficult to navigate. They requested that Section 12 be reorganized and simplified and suggested that a concise chart or matrix format, like guidance in prior To the Administrator Addressed letters, would improve clarity, usability, and consistency for districts and auditors.

Response: The agency somewhat disagrees with this comment. The guidance in Section 12 is intended to serve as a comprehensive resource for school systems considering or implementing virtual and hybrid education. The level of detail provided is designed to ensure that districts and open-enrollment charter schools have access to the information necessary to make informed local decisions and understand applicable requirements. The agency agrees that guidance should be organized in a manner that is easy to navigate and understand. As a result, revisions were made at adoption to reduce the number of subsections and improve the overall organization of the content. Additionally, summary charts were added to provide side by side comparisons with the differed programs. The agency has determined that the revised organization improves usability while maintaining the level of detail necessary to support consistent implementation of virtual and hybrid education programs.

Comment: A Texas citizen recommended that TEA remove the requirement for a state waiver for virtual related services, such as speech-language therapy, and allow eligibility to be determined solely by the ARD committee based on whether virtual service delivery is necessary to provide a free appropriate public education. The commenter argued that the waiver requirement is inconsistent with current Texas licensure standards, which recognize teletherapy and permit fully virtual supervision for speech-language professionals.

Response: The agency agrees and, at adoption, has removed "on-campus" as a location for remote conferencing that would require a waiver. Therefore, the waiver for remote conferencing is only required when the student is at an off-campus location.

Section 13, Appendix

Comment: DRTx recommended adding references to 19 TAC §89.1121 and §89.1125 in Section 13 to support implementation of the revised special education funding formula.

Response: The agency agrees and has added the rule references in the Appendix at adoption. The agency has also added Section 4.19 and adjusted notes in various sections of the handbook to reference the new special education funding system.

STATUTORY AUTHORITY. The amendment is adopted under Texas Education Code (TEC), §7.055(b)(35), which states that the commissioner shall perform duties in connection with Foundation School Program (FSP) as prescribed by TEC, Chapter 48; TEC, §12.251, as added by Senate Bill (SB) 2032, 88th Texas Legislature, Regular Session, 2023, which states the definition of adult high school charter school programs; TEC, §25.001, as amended by SB 1008, 88th Texas Legislature, Regular Session, 2023, and House Bill (HB) 2757 and SB 226, 89th Texas Legislature, Regular Session, 2025, which states that a school district must allow for an active duty member of the armed forces of the United States to be allowed 90 days to provide proof of residency; TEC, §25.0344, as added by HB 1959, 88th Texas Legislature, Regular Session, 2023, which states that a parent serving as a peace officer or service member may request a transfer to a district and campus of their choice; TEC, §25.081, as amended by SB 1647, 88th Texas Legislature, Regular Session, 2023, and SB 569 and SB 991, 89th Texas Legislature, Regular Session, 2025, which states that, for each school year, each school district must operate so

that the district provides for at least 75,600 minutes, including time allocated for instruction, intermissions, and recesses, for students. TEC, §25.081(d), authorizes the commissioner to adopt rules to implement the section. TEC, §25.081(g), states that a school district may not provide student instruction on Memorial Day but that if a school district would be required to provide student instruction on Memorial Day to compensate for minutes of instruction lost because of school closures caused by disaster, flood, extreme weather conditions, fuel curtailment, or another calamity, the commissioner shall approve the instruction of students for fewer than the number of minutes required under TEC, §25.081(a); TEC, §25.0812, which states that school districts may not schedule the last day of school for students before May 15; TEC, §25.087, as amended by HB 367 and SB 1049, 89th Texas Legislature, Regular Session, 2025, which provides purposes for which a school district shall excuse a student from attending school; TEC, §25.0875, as added by SB 1049, 89th Texas Legislature, Regular Session, 2025, which provides purposes for which a school district shall excuse a student from attending school for a released time course; TEC, §28.02124, as amended by HB 3803, 88th Texas Legislature, Regular Session, 2023, which states that a parent may request that a student repeat a course for high school credit; TEC, §29.081, as amended by SB 1647, 88th Texas Legislature, Regular Session, 2023, and SB 569 and SB 991, 89th Texas Legislature, Regular Session, 2025, which states that attendance accounting and FSP funding for Optional Flexible School Day Program participation may be generated through a remote or hybrid dropout recovery education program; TEC, §29.0822, which enables a school district to provide a program that meets the needs of students described by TEC, §29.0822(a), for a school district that meets application requirements, including allowing a student to enroll in a dropout recovery program in which courses are conducted online, and authorizes the commissioner to adopt rules for the administration of the section; TEC, §30A.153, as that section existed before repeal by SB 569, 89th Texas Legislature, Regular Session, 2025, which states that, subject to the limitation imposed under TEC, §30A.153(a-1), a school district or open-enrollment charter school in which a student is enrolled is entitled to funding under TEC, Chapter 48, or in accordance with the terms of a charter granted under TEC, §12.101, for the student's enrollment in an electronic course offered through the state virtual school network in the same manner that the district or school is entitled to funding for the student's enrollment in courses provided in a traditional classroom setting, provided that the student successfully completes the electronic course. TEC, §30A.153(d), authorizes the commissioner to adopt rules necessary to implement the section, including rules regarding student attendance accounting. SB 569, Section 15, allows a school district or open-enrollment charter school to continue providing a course or full-time program under TEC, Chapter 30A, until the end of the 2026-2027 school year; TEC, §37.005, as amended by HB 6, 89th Texas Legislature, Regular Session, 2025, which states that there is no limit to the number of days a student may be assigned to in-school suspension; TEC, §48.004, as amended by HB 2, 89th Texas Legislature, 2025, which states that the commissioner shall adopt rules, take action, and require reports consistent with TEC, Chapter 48, as necessary to implement and administer the FSP; TEC, §48.005, as amended by SB 569, 89th Texas Legislature, Regular Session, 2025, which states that average daily attendance (ADA) is the quotient of the sum of attendance for each day of the minimum number of days of instruction as described under TEC, §25.081(a), divided by the minimum number of days of instruction. TEC, §48.005(m), authorizes the commissioner to adopt rules necessary to implement the section. Subsections (m-1) and (m-2) address virtual or remote instruction-related funding; TEC, §48.102, as amended by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025, to be effective September 1, 2026, which states that for each student in ADA in a special education program under TEC, Chapter 29, Subchapter A, in a mainstream instructional arrangement, a school district is entitled to an annual allotment equal to the adjusted basic allotment multiplied by 1.15. For each full-time equivalent student ADA attendance in a special education program under TEC, Chapter 29, Subchapter A, in an instructional arrangement other than a mainstream instructional arrangement, a district is entitled to an annual allotment equal to the adjusted basic allotment multiplied by a weight determined according to its instructional arrangement; TEC, §48.103, as amended by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025, to be effective September 1, 2026, which states that for each student that a district serves who has been identified as having dyslexia or a related disorder, the district is entitled to an annual allotment equal to the basic allotment multiplied by 0.1 or a greater amount provided by appropriation; TEC, §48.104, as amended by HB 2, 89th Texas Legislature, 2025, which states that for each student who does not have a disability and resides in a residential placement facility in a district in which the student's parent or legal guardian does not reside, a district is entitled to an annual allotment equal to the basic allotment multiplied by 0.2 or, if the student is educationally disadvantaged, 0.275. For each full-time equivalent student who is in a remedial and support program under TEC, §29.081, because the student is pregnant, a district is entitled to an annual allotment equal to the basic allotment multiplied 2.41; TEC, §48.105, as amended by SB 2185 and HB 2, 89th Texas Legislature, 2025, which states that for each student in ADA in a bilingual education or special language program under TEC, Chapter 29, Subchapter B, a district is entitled to an annual allotment equal to the adjusted basic allotment multiplied by 0.1 or 0.15 if the student is in a bilingual education program using a dual language immersion/one-way or two-way program model, and for students not described in subdivision (1), 0.05 if the student is in bilingual education program using a dual language immersion/two-way program model; TEC, §48.106, as amended HB 120 and HB 2, 89th Texas Legislature, 2025, which states that for each full-time equivalent student in ADA in an approved career and technology education program in Grades 7-12 or in career and technology education programs, a district is entitled to an annual allotment equal to the basic allotment multiplied by a weight of 1.35 and $50 for each student that is enrolled in two or more advanced career and technology classes for a total of three or more credits; a campus designated as a Pathways in Technology Early College High School school under TEC, §29.556; or a campus that is a member of the New Tech Network and that focuses on project-based learning and work-based education; TEC, §48.108, as amended by HB 2, 89th Texas Legislature, 2025, which states that for each student in ADA in Kindergarten-Grade 3, a district is entitled to an annual allotment equal to the basic allotment multiplied by 0.1 if the student is educationally disadvantaged or a student of limited English proficiency, as defined by TEC, §29.052, and in bilingual education or special language program under TEC, Chapter 29, Subchapter B; TEC, §48.109, which states that for each student in the gifted and talented category, the district is entitled to an annual allotment equal to the basic allotment multiplied by 0.07 for each school year or a greater amount provided by

appropriation. If by the end of the 12th month after receiving an allotment for developing a program a district has failed to implement a program, the district must refund the amount of the allotment to the agency within 30 days. Not more than five percent of a district's students in ADA are eligible for funding under this section. If the state funds exceed the amount of state funds appropriated in any year for the programs, the commissioner shall reduce the districts tier one allotment. If funds are less than the total amount appropriated for the school year, the commissioner shall transfer the remainder to any program. After each district has received allotted funds for this program, the State Board of Education may use up to $500,000 of the funds allocated under this section for other programs; TEC, §48.270, which states that when, in the opinion of the agency's director of school audits, audits or reviews of accounting, enrollment, or other records of a school district reveal deliberate falsification of the records, or violation of the provisions of TEC, Chapter 48, through which the district's share of state funds allocated under the authority of this chapter would be, or has been, illegally increased, the director shall promptly and fully report the fact to the State Board of Education, the state auditor, and the appropriate county attorney, district attorney, or criminal district attorney; and TEC, §49.204, which states that a school district with a local revenue in excess of entitlement may reduce the district's local revenue level by serving nonresident students who transfer to the district and are educated by the district, but who are not charged tuition.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code (TEC), §§7.055(b)(35); 12.251, as added by Senate Bill (SB) 2032, 88th Texas Legislature, Regular Session, 2023; 25.001, as amended by SB 1008, 88th Texas Legislature, Regular Session, 2023, and House Bill (HB) 2757 and SB 226, 89th Texas Legislature, Regular Session, 2025; 25.0344, as added by HB 1959, 88th Texas Legislature, Regular Session, 2023; 25.081, as amended by SB 1647, 88th Texas Legislature, Regular Session, 2023, and SB 569 and SB 991, 89th Texas Legislature, Regular Session, 2025; 25.0812; 25.087, as amended by HB 367 and SB 1049, 89th Texas Legislature, Regular Session, 2025; 25.0875, as added by SB 1049, 89th Texas Legislature, Regular Session, 2025; 28.02124, as amended by HB 3803, 88th Texas Legislature, Regular Session, 2023; 29.081, as amended by SB 1647, 88th Texas Legislature, Regular Session, 2023, and SB 569 and SB 991, 89th Texas Legislature, Regular Session, 2025; 29.0822; 30A.153, as that section existed before repeal by SB 569, 89th Texas Legislature, Regular Session, 2025; 37.005, as amended by HB 6, 89th Texas Legislature, Regular Session, 2025; 48.004, as amended by HB 2, 89th Texas Legislature, 2025; 48.005, as amended by SB 569, 89th Texas Legislature, Regular Session, 2025; 48.102, as amended by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025, to be effective September 1, 2026; 48.103, as amended by HB 2 and SB 568, 89th Texas Legislature, Regular Session, 2025, to be effective September 1, 2026; 48.104, as amended by HB 2, 89th Texas Legislature, 2025; 48.105, as amended by SB 2185 and HB 2, 89th Texas Legislature, 2025; 48.106, as amended HB 120 and HB 2, 89th Texas Legislature, 2025; 48.108, as amended by HB 2, 89th Texas Legislature, 2025; 48.109; 48.270; and 49.204.

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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TITLE 31. NATURAL RESOURCES AND CONSERVATION

PART 2. TEXAS PARKS AND WILDLIFE DEPARTMENT

CHAPTER 69. RESOURCE PROTECTION
SUBCHAPTER C. WILDLIFE REHABILITATION PERMITS

The Texas Parks and Wildlife Commission in a duly noticed meeting on May 28, 2026, adopted the repeal of 31 TAC §69.47 and amendments to §§69.43 - 69.46, 69.48, 69.49, and 69.52, concerning Wildlife Rehabilitation Permits. Sections 69.44, 69.45, 69.46, 69.48, 69.49, and 69.52, are adopted with changes to the proposed text as published in the April 24, 2026, issue of the *Texas Register* (51 TexReg 2602). The repeal of §69.47 and amended §69.43 are adopted without change to the proposed text and will not be republished.

The change to §69.44, concerning General Provisions, removes proposed subsection (a)(8) because it is redundant of §69.45(f), concerning Permit Required; Permit Privileges, and alters subsection (c) as proposed to make abundantly clear that except as specifically provided by rule, wildlife possessed under a rehabilitation permit and being displayed to the public cannot be touched by the public. The change also clarifies that the requirement for wildlife to be restrained at all times does not apply to birds when being flown as part of educational demonstration.

The change to §69.45, concerning Permit Required; Permit Privileges, alters subsection (a)(1) as proposed to allow Type A permittees to utilize no more than two subpermittees. Under the rules as proposed, Type A permittees were prohibited from using subpermittees. The department was persuaded by public comment to liberalize the requirements and intends for the change to provide for limited use of subpermittees by Type A permittees as a trade-off for accomplishing the objective of the rules while minimizing disruption of current provision of services by qualified permittees. The proposed change also alters subsection (a)(2) to allow Type B permittees to supervise activities at no more than one satellite facility. The department was persuaded by public comment that allowing an extremely limited utilization of satellite facilities would still allow the department to achieve the goal of limiting the proliferation of satellite facilities. The proposed change also alters proposed subsection (a)(3) to allow Type C permittees to utilize no more than 15 subpermittees and operate no more than 15 satellite facilities. Under the rules as proposed, Type C permittees were limited to no more than 10 subpermittees and no more than five satellite facilities. The department considers the level of experience required for issuance of a Type

C warrants a liberalization as an acceptable trade-off for accomplishing the objective of the rules while minimizing disruption of current provision of services by a large number of permittees. Finally, the change also stipulates that a licensed veterinarian with at least two years of experience treating or rehabilitating wildlife is eligible for the Type D rehabilitation permit, to include veterinarians with at least two years of documented wildlife experience. The department is persuaded by public comment that two years of wildlife experience as a licensed veterinarian is sufficient to provide confidence that a person is capable of effectively complying with the requirements applicable to Class D permit holders.

The change to §69.46, concerning Application for Permit, alters subsection (a) to reduce the minimum requirement for wildlife rehabilitation experience for licensure, from 800 hours to 600 hours, and clarifies that the 600 required hours of experience must occur over a minimum of two calendar years. The department is persuaded by public comment that reducing the total number of hours of experience while providing a time constraint effectively accomplishes the goals of the rule as proposed.

The change to §69.48, concerning Permit Renewals, removes language regarding quarterly reports, which are being eliminated by the amendment to §69.52, concerning Notifications, Reports, and Recordkeeping.

The change to §69.49, regarding General Facilities Standards, provides for purposes of clarity a legacy provision for current permittees conducting wildlife rehabilitation activities in facilities that would otherwise not be eligible for registration in the future under the rules as adopted. The change also stipulates that if such legacy permits are allowed to expire, the facility would have to meet the requirements of the subsection in order to be registered again.

The change to §69.52, concerning Notifications, Reports, and Recordkeeping, would eliminate quarterly reporting for permittees in possession of deer and instead require the annual report required of all other permittees. The department has determined that standardization of reporting requirements provides for beneficial streamlining of program administration. The change also alters proposed new subsection (g) to eliminate a provision that would have required local animal control authorities to acknowledge notification requirements in writing. The department has determined that the provision would have imposed a significant and avoidable burden on local health control authorities.

In 2021, the department conducted an extensive revision of wildlife rehabilitation rules to address longstanding concerns regarding programmatic inefficiency, noncompliance, and abuse (such as the persistent problem of permits being used to keep wildlife as pets or curiosities, which is not only undesirable, but unlawful). Because those revisions were quite significant, the department anticipated that additional revisions in the near term would be necessary in order to address unforeseen issues, eliminate conflicts, and make improvements. The rules as adopted are intended, collectively, to reorganize the subchapter, address problematic processes, and improve administrative efficiencies with the goal of strengthening and improving the delivery of wildlife rehabilitation activities in Texas.

The amendment to §69.43, concerning Definitions, adds definitions for "animal control authority," "large wildlife rehabilitation center," "licensed veterinarian," and wildlife health crisis." The amendment defines "animal control authority" as "the local governmental entity responsible for regulating and/or enforcing laws applicable to the possession, control, welfare, and disposition of animals." The department has received numerous requests from various law enforcement and first-responder entities for assistance in identifying places and locations where persons may be holding wildlife, because first-responders find it helpful to know about the possibility of encountering captive wildlife in the course of their duties, and because there may be local ordinances and laws that apply to such situations. Therefore, the rules require permittees to notify the local animal control authority of the existence and location of facilities, and an unambiguous definition of that term is necessary to facilitate compliance and enforcement.

The rules make regulatory distinctions based on the intensity and magnitude of rehabilitation efforts. Wildlife rehabilitation activities can vary greatly in scale and pace; some rehabilitators have very narrow areas of specialization and others operate what amount to trauma centers that can have significant staff and treat many animals per day or year. The amendment to §69.45, concerning Permit Required, acknowledges these scales by defining "Large Wildlife Rehabilitation Center" as "a registered facility that has received at least 3,000 animals in each of the preceding three years and employs the permittee on a full or part-time basis to conduct activities for which a permit under this subchapter is required," which is necessary to tailor regulatory provisions accordingly.

The department has determined that it is necessary to define "licensed veterinarian" as "a person licensed by the Texas Board of Veterinary Medical Examiners to practice veterinary medicine in Texas," which is necessary to ensure that all persons providing veterinary medical services to wildlife rehabilitators are lawfully able to do so by the state of Texas and are professionally accountable in the state of Texas.

The amendment also defines "wildlife health crisis" as "a circumstance or set of circumstances that threaten wildlife populations, biodiversity, ecosystem stability, or animal or human health, including through zoonotic pathogen spillover." The definition is necessary because the term is employed in current rule and the standard applied by the department to such situations should be clear with respect to the threshold for department responses to disease emergence, such as that posed by New World Screwworm, that threatens public wildlife resources and potentially, livestock, pets, and humans.

Finally, the amendment corrects and relocates current paragraph (12) to preserve meaning and alphabetical order.

The amendment to §69.44, concerning General Provisions, consists of several actions. The department has determined that the current section is unwieldy and thematically inconsistent; therefore, the amendment rearranges and reorganizes existing provisions according to shared applicability and relocates some provisions to other sections as noted.

The amendment relocates current subsections (e) - (l), (n), (q), and (r) to subsection (a) and redesignates those provisions as paragraphs, which is intended to group generally applicable provisions in one place. Current subsections (e) and (f) become new paragraph (3)(A) and (B) under subsection (a); the contents of current subsection (c) is retained but become new subsection(a)(4); current subsection (g) becomes new paragraph (5); current subsection (j) becomes new subsection (a)(6); current subsection (n) becomes new subsection (a)(7); and current subsection (q) becomes new subsection (a)(8).

The amendment to §69.44 retains the provisions of current subsection (d) as new subsection (b)(2) and adds new paragraph

(1), which requires subpermittees to be at least 18 years of age and to have passed a department-administered examination with a score of 100 percent. The department has encountered situations in which persons listed as subpermittees are clearly too young and/or unqualified to be conducting or assisting in permitted activities; therefore, the department believes a standard is appropriate. The department believes it is reasonable to require that all subpermittees be at least 18 years of age and to have demonstrated a basic understanding of wildlife rehabilitation.

The amendment combines the provisions of current subsections (h) and (i) and places them in new subsection (c) concerning Display to the Public.

The amendment to §69.44 also creates new subsection (d) to address the possession of non-releasable wildlife. Wildlife is by definition animal life that is meant to live in a state of nature and not in a state of domestication. In the natural world, animals that cannot survive don't. In many cases, wildlife brought to wildlife rehabilitators cannot be restored to a state of health that would allow survival in the wild and thus cannot be returned to the wild ("non-releasable"), which dictates euthanasia unless there is a compelling argument for allowing the animal to be kept for use for education, socializing other wildlife of the same species, or some other specialized use that benefits the species or human understanding of wildlife. Current rule requires non-releasable wildlife to be euthanized except as provided for approved educational, fostering, or socialization purposes, or transfer to zoological, scientific, or educational permit holders; however, the department continues to be concerned about situations in which wildlife is being retained in contravention of these understandings, in effect, becoming pets or curiosities, and in some cases the department has reason to suspect that persons have obtained wildlife rehabilitation permits solely for such purposes, which defeats the entire purpose of the concept of wildlife rehabilitation. The department believes that the highest and best reality for wildlife is to live in the wild as part of and contributors to native ecosystems and that wildlife incapable of survival in the wild should be euthanized unless it can be used to benefit the species or human understanding of biology because the animal cannot live as nature intended. The department also wishes to avoid any possibility of inadvertently creating a legal pathway for the intentional acquisition of wildlife for personal use or enjoyment. For these reasons, the rules as adopted require non-releasable wildlife to be kept at the permittee's registered facility and explicitly prohibit public display except as provided for educational purposes. The amendment also requires non-releasable wildlife approved for educational display to be restrained at all times (with an exception as noted for birds being flown for educational demonstration) and prohibit any touching or handling by the public at any time. The department reasons that explicit provisions carrying criminal penalties for violation are useful to emphasize that wildlife resources are owned by the people of the state and are not to be treated as pets, curiosity pieces, or commodities. For similar reasons, the current requirement restricting the possession of non-releasables to persons with at least three years as a permitted rehabilitator has been altered to increase the period of experience to five years. The amendment also relocates current §69.45(b) in new subsection (g).

The amendment to §69.45, concerning Permit Required, retitles the section to acknowledge the addition of new provisions to create four categories of wildlife rehabilitation permit, based on level of complexity, and to enhance quality control measures for satellite facilities.

The department has long experienced administrative difficulties associated with the various and disparate levels of operational complexity within the regulated community. As noted previously in this preamble, the universe of wildlife rehabilitation in Texas is very diverse, ranging from permittees who are highly specialized and work with a very small number of animals at a single facility to permittees who supervise large numbers of subpermittees and volunteers that treat a wide variety of animals at numerous satellite facilities. The one-size-fits-all nature of the current regulatory structure is problematic, particularly from the perspective of disease management, reporting and recordkeeping, and effective monitoring and tracking of the activities of subpermittees and volunteers. The department acknowledges the legitimate usefulness of satellite facilities, subpermittees, and volunteers, but is also concerned about both the abuse of those privileges (intentional and accidental) and the unwieldiness introduced by its complexity. There is an ongoing problem with the proliferation of subpermittees and volunteers under multiple permittees, permittees being listed as subpermittees under other permittees, geographical dispersion of satellite facilities, phantom facilities, and other, similar types of problems. Therefore, the rules as adopted eliminate the current one-size-fits-all approach and replace it with a system of graduated permit types stratified by magnitude of subpermittee/volunteer/satellite facility activities.

The amendment creates the Type A permit to address the basic or introductory level of rehabilitation activities. This permit level is the entry or default level of permit issuance but could also be utilized by permittees with very narrow and/or high specialized practices (for example, a rehabilitator that specializes only in rabbits). The Type B permit addresses moderately more complex rehabilitation activities and would authorize up to five subpermittees, whose activities must be confined to the supervisory permittee's registered facility and no more than one satellite facility. To qualify for issuance of a Type B permit, the applicant is required to document a minimum of two years' experience as a permitted wildlife rehabilitator in Texas. The department believes that two years of experience as a wildlife rehabilitator should be the minimum standard for supervision of other persons conducting wildlife rehabilitation activities as authorized under the subchapter. The Type C permit addresses complex rehabilitation activities, authorizes the permittee to supervise up to 15 subpermittees at up to 15 satellite facilities, and requires the permittee to document at least five years of experience as a permitted wildlife rehabilitator in Texas as a condition of issuance. The department has determined that it is reasonable and logical to allow expansion of permit privileges in proportion to demonstrated responsible experience. Finally, the Type D permit addresses very large wildlife rehabilitation activities conducted by permittees who are paid employees of an organization. A Type D permit authorizes any number of subpermittees at any number of satellite facilities, but is conditioned on the permittee meeting patient volume requirements, having at least two years documented experience as a permitted wildlife rehabilitator (in any state or states) and being a paid employee of a large wildlife rehabilitation center, as defined in the rules. The department reasons that very large wildlife rehabilitation operations operated or sanctioned by bona fide conservation/conservation-oriented organizations that employ experienced, demonstrably responsible permittees can be entrusted with significant latitude in conducting permitted activities.

The amendment also alters current subsection (c) to strengthen oversight provisions applicable to satellite facilities. The current rule requires supervisory permittees to visit satellite facilities no

less frequently than once every 120 days to verify compliance with applicable provisions of the subchapter. The department has determined, on the basis of encountering several failures with respect to permittees ensuring that satellite facilities are compliant, that it is necessary to prohibit wildlife rehabilitation at any satellite facility unless the supervisory permittee has personally inspected the facility within the previous 120 days and documented in writing that the facility is being operated in compliance with the applicable provisions of the subchapter. In this way, the department intends to ensure that public resources are receiving appropriate care.

The amendment moves current subsection (b) to §69.44 as noted previously in this preamble. Additionally, the amendment creates new subsection (c) to prohibit any permittee from being listed as a subpermittee by another permittee. The department has encountered significant issues untangling webs of interconnected persons performing wildlife rehabilitation under multiple authorizations, which confounds department processes, most notably, the ability of the department to conduct epidemiological investigations in the event of a wildlife health crisis.

The amendment also relocates the provisions of current §69.44(q) as new subsection (f), reworded to acknowledge that amendment of permit provisions in the event of a declared wildlife health crisis would be effected by emergency rulemaking. Although other provisions of the rules allow the department to waive provisions of the subchapter in response to wildlife health crises, the department wishes to avoid any suggestion of engaging in ad hoc rulemaking in such situations and therefore seeks to make it abundantly clear that any amendments of permits in response to a health crisis will be done under the provisions of the Administrative Procedure Act and the Parks and Wildlife Code.

Finally, the amendment prohibits the possession of any animal under a wildlife rehabilitation permit for longer than 365 days unless recommended in writing by a licensed veterinarian and the department. As mentioned previously in this preamble, the intent of wildlife rehabilitation is the return of wildlife to native systems, with exceptions for certain non-releasables. The wildlife rehabilitation permit is not a pet permit, nor is it a companion-animal permit. The department reasons that a year is sufficient time to restore most injured or sick wildlife to a state of health that would permit re-introduction to the wild, with the proviso that there could be legitimate reasons for additional time in extenuating circumstances.

The amendment to §69.46, concerning Application for Permit, imposes specific experiential requirements for permit issuance. Current rules require only completion of a training course offered by a professional wildlife rehabilitation organization within three years of the application for a permit. The department has determined that this is inadequate and has resulted in issuance of permits to persons who seek a wildlife rehabilitation permit for purposes unrelated to bona fide wildlife rehabilitation (such as keeping wildlife as pets or conversation pieces), in addition to enabling permit issuance to persons who are not serious about or are otherwise insufficiently committed to or experienced enough to ably practice wildlife rehabilitation. To remedy this situation, the amendment requires applicants to document a minimum of 600 hours of wildlife rehabilitation experience at any level and to have been either a subpermittee in Texas or a permitted wildlife rehabilitator in any state for a minimum of two years. The department believes that persons meeting these requirements have demonstrated genuine commitment to the practice of wildlife rehabilitation. Subsection (b) exempts current permittees from the new requirements, but stipulates that any person who allows a permit to lapse and subsequently seeks a permit must meet reapply for a permit under the new requirements. Additionally, new applicants are required to provide evidence of at least 20 hours of training or coursework provided by an accredited professional organization or an entity approved by the department, which is intended to replace the current educational requirement of any training within the previous three years, which is vague. The department believes it is appropriate to quantify the amount of professional training and establish a credible standard in order to ensure that applicants have made a credible and efficacious investment in continuing education and training.

The amendment to §69.46 also eliminates the current requirement for a letter from a licensed veterinarian known to the applicant and replaces that standard with the requirement of a letter from a licensed veterinarian affirming that the veterinarian will provide veterinary consultation services to the applicant if a permit is issued. The department reasons that the current standard is little more than proof that two people are acquainted, whereas the amendment as adopted requires an affirmation of willingness to provide professional advice and/or services, which the department believes is a higher standard that will improve the quality of wildlife rehabilitation in the state. Finally, the amendment reduces the minimum required score on a department-administered wildlife rehabilitation test, from 100% to 80% on a more comprehensive exam. The department assesses that persons who are capable of meeting the enhanced standards of the new provisions need not be held to the 100% standard.

The amendment to §69.48, concerning Permit Renewals, comports the provisions of subsection (a) to accommodate the changes made elsewhere to replace quarterly reporting with annual reporting for certain permittees, and amends subsection (b) to require at least eight hours of training annually, as well as a letter from licensed veterinarian attesting to the willingness to provide consulting services to the permittee. The department believes it is important for permitted wildlife rehabilitators to participate in continuing education furnished by recognized professional organizations and associations so as to be aware of and familiar with current developments and trends that improve the quality and efficacy of wildlife rehabilitation delivery. Similarly, as discussed earlier in this preamble, the department believes it is important to document access to veterinary professionals for specialized expertise necessary to inform successful outcomes. The amendment also alters subsection (c) to cite the department's rules governing the process for denial of permit issuance or permit renewal.

The amendment to §69.49, concerning General Facility Standards, creates new subsection (b) to prohibit the registration of any facility located in a domestic residence that shares air handling equipment or access to water, housing or exercise space, or food in common with another domestic residence. The department seeks to eliminate wildlife rehabilitation activities in environments where the facilitation of disease propagation and spread is possible via cross-contamination or physical contact with sick wildlife, and to prevent wildlife rehabilitation activities in environments that are inappropriate in terms of noise and other disruptions that could interfere with or confound effective rehabilitation efforts (e.g., apartments, duplexes, townhomes, etc.).

The amendment to §69.52, concerning Reports and Recordkeeping, alters the title of the section to reflect notification re-

quirements created by the amendment in the form of possession of documentation of inspections of satellite facilities required under the amendment to §69.45. The amendment also relaxes reporting requirements for all permittees that do not rehabilitate deer. In a previous rulemaking in response to the emergence of chronic wasting disease (CWD), the department imposed quarterly reporting requirements on all wildlife rehabilitators. The department has been persuaded that annual reporting is sufficient for all permittees, including those with deer.

The amendment requires permittees to notify the appropriate local animal control authority, for reasons mentioned earlier in this preamble in the discussion of the amendment to §69.43, concerning Definitions.

Finally, the amendment creates new subsection (i) to require notification of the department upon learning of, discovering, or being informed that a reportable disease has been confirmed to exist in an animal or facility for which the permittee is responsible. The department believes it is axiomatic that the presence or detection of disease is something that should be reported immediately, so as to allow the department and any other involved entities the greatest amount of time to respond effectively.

The department received 1,323 comments opposing adoption of all or part of the rules as proposed. Of those comments, 362 provided a reason or rationale for opposing adoption. Those comments, accompanied by the department's response to each, follow. The department notes that because some comments consisted of multiple points or components, the department has organized the response to public comment accordingly; therefore, the number of responses is greater than the number of commenters.

Two hundred and one commenters opposed adoption of the proposed rules and stated that limitations on the number of facilities and subpermittees would impede and diminish the delivery of rehabilitation services and ultimately harm Texas wildlife. The department disagrees with the comments and responds that it is statutorily obligated to protect and conserve the state's indigenous wildlife, which includes establishing and enforcing regulations to ensure the proper care, management, and operation of permitted facilities in which wildlife is held and treated for rehabilitative purposes. The department further notes that the rules provide a pathway for subpermittees to eventually become rehabilitators, which is intended to function as mechanism for training qualified rehabilitators on a continuing basis. No changes were made as a result of the comments.

Twelve commenters opposed adoption and stated that the rules as proposed would result in a reduction in the number of rehabilitators, causing the untrained general public to conduct wildlife rehabilitation on their own, which would not be beneficial. The department disagrees with the comment and responds that it is illegal to possess live wildlife without a permit. The department further notes that there is no reason to believe that the rules as adopted present an appreciable or comparative barrier to persons seeking to engage in wildlife rehabilitation activities, for that would defeat the purpose of the rules. No changes were made as a result of the comments.

Ninety-six comments opposed adoption of the proposed rules and asserted that the rules will result in increased wildlife mortality because fewer rehabilitators will be available. The department disagrees with the comments and responds that the rules as adopted do not significantly alter the current pathways for persons with an interest in wildlife rehabilitation to do so as volunteers, subpermittees, or permittees, and in fact have the potential to result in an overall increase in the number of permittees delivering efficacious rehabilitative care for wildlife. No changes were made as a result of the comments.

Two comments opposed adoption of the rules as proposed and stated that the requirement for a subpermittee test score of 100 on a department-administered test holds them to a higher standard than an individual applying for a rehab permit. The department disagrees with the comments and responds that the test is not difficult, is open-book, and may be taken as often as necessary to achieve a test score of 100. The department believes the provision is an effective way of achieving minimum confidence that subpermittees are aware of the rules and statutes governing wildlife rehabilitation, which was a problem the rules as proposed were intended to address. No changes were made as a result of the comment.

Two comments opposed adoption and stated that rehabilitators are not funded by the department yet are subjected to additional regulations and requirements that may be costly while performing a valuable public service. The department agrees that wildlife rehabilitators perform a meaningful public service, but notes that the decision to obtain a wildlife rehabilitation is strictly voluntary, the permit is free, and the department expends considerable resources administering and enforcing the program. The department additionally responds that the rules as adopted are not onerous and are intended to ensure that the public interest with respect to the possession of live wildlife resources is protected. No changes were made as a result of the comment.

One commenter opposed adoption and stated that requiring a letter from a veterinarian attesting to the willingness to provide wildlife consultation services is burdensome. The department disagrees with the comment and responds that it is important to document access to veterinary services when such expertise is or becomes necessary. No changes were made as a result of the comment.

Five commenters opposed adoption of the rules and stated that the prerequisite 800-hour training requirement and two-year period as a subpermittee are excessive. The department disagrees that requirements are onerous but is persuaded that a reduction to 600 hours of training within two different calendar years offers acceptable assurance that a person will possess the knowledge and experience to provide effective rehabilitative care and has made changes accordingly.

Forty-two commenters opposed adoption of the rules specifically on the basis of the proposed stratification of facilities by intake volumes and the graduated restrictions on the number of subpermittees and satellite facilities based on the intake volumes. The department is persuaded that some liberalization can be provided without interfering with or confounding the purpose of the provisions in question, which is to eliminate the unmanageable confusion resulting from the proliferation of unpermitted locations and people that the department has determined undermine its ability to ensure that public resources are being adequately cared for. Changes have been made accordingly.

Fifty-eight commenters opposed adoption of the rules as proposed and stated that the rules are onerous, overburdensome, out of control, overly bureaucratic, excessive, government overreach, invasive, or some other similar descriptive language meant to characterize the department's actions as arbitrary, egregious, and unnecessary. The department notes that most of the comments seemed to be directed at the fact that rehabil-

itators are subject to regulation in general and did not provide or identify a rational connection for opposition to any specific component or provision of the rules actually being deliberated. The department nevertheless disagrees with the comments and responds that it has a statutory duty to protect the indigenous wildlife of the state, which includes the assurance of efficacious care and treatment of public resources entrusted to permittees for rehabilitative purposes. No changes were made as a result of the comments.

Two commenters opposed adoption of the rules as proposed and stated that a shortage of volunteers would result, leading to limitations on effective care for wildlife resources. The department disagrees that the rules as adopted will introduce significant perturbations in rehabilitation activities and the ability for volunteers to engage in permitted activities, as the limitations on the numbers of volunteers are proportionally scaled to the intake volume of the facility. No changes were made as a result of the comments.

Three commenters opposed adoption of the rules as proposed and stated that the recordkeeping and reporting requirements are burdensome and time consuming. The department disagrees with the comments and responds that the department has an affirmative responsibility to ensure that rehabilitation activities involving live public resources are conducted responsibly; thus, there is an inherent need to monitor and track individual wildlife from intake to final disposition, and for that information to be reported to the department. There is no scenario in which reporting and recordkeeping could be eliminated. The department does not believe the standards created by the rules as adopted are onerous or burdensome, and notes that the rules as adopted actually decrease reporting frequency. No changes were made as a result of the comments.

One commenter opposed adoption of the rules as proposed and stated that the department should allow for virtual inspections. The department disagrees with the comment and responds that virtual inspections would not allow the department to physically verify full compliance with facility standards and permit requirements. No changes were made as a result of the comments.

One commenter opposed the adoption of the rules as proposed on the basis of the proposed effective date. The department disagrees that the proposed effective date (which is not actually part of the rule text) is problematic. The department acknowledges that the rules as adopted create the necessity in some cases for significant operational and administrative changes for permittees and believes that an effective date of September 1, 2027 allows current permittees an appropriate amount of time to take necessary actions to ensure compliance. No changes were made as a result of the comment.

One commenter opposed adoption of the proposed rules and stated that all permittees should be subject to all provisions starting on the first day of effectiveness of the rules and there should be no legacy provisions or exceptions. The department disagrees with the comment and responds that it is reasonable to make accommodations in certain circumstances for current permittees who have demonstrated responsible behavior and possess acceptable compliance history. No changes were made as a result of this comment.

Two commenters opposed adoption of the proposed rules and stated the rules are cruel and that the department does not care about wildlife. The department disagrees with the comments and responds that the rules do not violate, allow, or encourage the violation of any animal welfare laws or standards and that it is the department's statutory duty is to protect and conserve wildlife resources. No changes were made as a result of the comments.

Two commenters opposed adoption of the proposed rules and stated disagreement with the proposed prohibition on the conduct of rehabilitation activities in certain domestic environments. The department assesses that the commenters misinterpreted the provision in question but nonetheless disagrees with the comments and responds that the provision in question is not an absolute prohibition and applies only to structures that share certain environmental infrastructure with spaces inhabited or occupied by other people and animals unrelated to the permittee, which is necessary to prevent potential disease transmission. No changes were made as a result of the comment.

Fifteen commenters opposed adoption of the proposed rules and stated disagreement in various ways with the proposed provisions prohibiting the conduct of rehabilitation activities in certain domestic environments, stating that the provisions would prevent urban, low-income, fixed-income, or retired individuals from participating in permitted rehabilitation activities. The department disagrees with the comments and responds that the rules as adopted are intended to minimize the potential for disease transmission and ensure that wildlife rehabilitation activities take place where noise, disturbances, and other environmental factors do not negatively impact rehabilitative efforts. No changes were made as a result of the comments.

One commenter opposed adoption of the proposed rules stating concerns with the ability for the department to amend permit provisions during a wildlife health crisis, claiming it granted broad discretionary authority without procedural safeguards or clearly defined limits. The department disagrees and responds that permit amendments are evaluated, granted, or denied as provided by applicable regulatory and statutory processes. The rules as adopted require the existence of a wildlife health crisis and require the agency to engage in emergency rulemaking, which must be conducted as provided by statute, in order for the permit amendments to become effective. No changes were made as a result of the comment.

Eight commentors opposed the adoption of the proposed rules due to disagreement with how the Type C and Type D permits were initially proposed. Most commenters expressed in various ways their concern for a perceived gap between the two permit types with respect to subpermittees and satellite facilities. The department agrees that the proposed allowances created a gap between the two permit types and in response made changes to increase the number of subpermittees and satellite facilities allowed under Type C permits.

One commentor opposed adoption of the proposed rules stating that the requirement for a permit holder to be present while educational display activities are being conducted for permits Type A, B, and C, but not for Type D favors paid centers over volunteer operations. The department disagrees with the comments and responds that Type D facilities are subject to heightened oversight and accountability as a result of the employment requirement. This enhanced level of overall supervision allows the department to extend flexibility by not requiring the permit holder to be physically present at all times during educational display activities. No changes were made as a result of the comment.

Three commenters opposed adoption of the proposed regulations and expressed concern regarding the required length of time before an individual becomes eligible to retain non-re-

leasable wildlife and the required disposition of such wildlife if the individual does not meet the qualifications. The department disagrees with the comments and responds that the primary objective of the regulations is to ensure the restoration of wildlife health and the return of rehabilitated animals to the wild whenever possible. Under existing regulations, non-releasable wildlife must be euthanized unless the department authorizes retention for educational purposes, fostering or socialization activities, or transfer to a qualified zoological, scientific, or educational permit holder. Limiting retention of non-releasable wildlife is necessary to prevent the establishment of a pathway for wildlife to be kept for personal use or enjoyment. The adopted regulations increase the minimum eligibility requirements to ensure that permittees approved to retain non-releasable wildlife have obtained sufficient experience and training and are capable of providing appropriate, long-term care. No changes were made as a result of the comments.

Twenty-two commenters opposed adoption of the proposed regulations and stated in various ways that the rules were developed without adequate consultation with wildlife rehabilitation permit holders across the state and that additional permit holders should have been included in the development process. The department disagrees with the comments and responds that department thoroughly involved the permitted community in the proposal process. The Wildlife Rehab Council, which is made up of permitted rehabilitation permit holders from across the state with varying taxonomic specialties and business structures, was consulted to evaluate the proposed rules and receive feedback. The department also met on a recurring basis with working group and subcommittee members, hosted webinars for all permit holders across the states for purposes of soliciting input, and presented the proposed rules to the Wildlife Diversity Advisory Committee, which includes wildlife permittees, subject matter experts, and landowners. The department has consistently engaged with the permitted community and has solicited and incorporated stakeholder input throughout the development of the rules. No changes were made as a result of the comments.

Five commenters opposed adoption of the rules as proposed and stated in various ways that the rules are ineffective, that the department has deviated from its mission, and that the regulations are ambiguous, overly complex, or not grounded in practical reality. The department disagrees with the comments and responds that it has a statutory obligation to ensure that individuals entrusted with the privilege of rehabilitating the state's wildlife resources are capable of doing so and meet established minimum standards. The department believes the rules as adopted are effective, understandable, and enforceable. No changes were made as a result of the comments.

Eleven commenters opposed adoption of the proposed regulations and stated that the department should prioritize enforcement of existing regulations rather than implement new ones. The department disagrees with the comments and responds that the regulations are necessary to address continuing issues that create unnecessary administrative challenges and complicate or threaten adequate protection of wildlife. The department further responds that its motivation for amending regulations is grounded solely in its statutory duty to conserve and manage public wildlife resources, not to create additional regulatory provisions for the purpose of increasing enforcement actions. No changes were made as a result of the comments.

Sixty-one commenters opposed adoption of the proposed regulations and expressed a desire for the department to support permitted rehabilitators without imposing additional restrictions, and to allow all current rehabilitation facilities to remain in operation. The department disagrees with the assertion that the rules as adopted are unnecessary and responds that the clear existence of problematic processes in the regulated community warranted regulatory response to ensure the fulfilment of the department's statutory duty. The department further notes that an effective date of September 1, 2027, allows sufficient time for any permittee to achieve compliance. No changes were made as a result of the comments.

Twelve commenters opposed the adoption of the rules as proposed and stated the requirements regarding continuing education would reduce the number of rehabilitators and subpermittees. The department disagrees with the comments and responds that many professions, occupations, and jobs utilize continuing education to ensure the proficiency of practitioners and the requirement for eight hours of applicable training annually is helpful without being burdensome. No changes were made as a result of the comments.

One commenter opposed adoption of the rules as proposed and stated there should be "no more bureaucratic culling of Gods creatures." The department disagrees that it conducts or condones any sort of culling programs with respect to rehabilitation of wildlife. No changes were made as a result of the comment.

Three commenters opposed adoption of the rules as proposed and alleged differential requirements for deer with respect to Chronic Wasting Disease (CWD) management in comparison to rules governing other types of permits issued by the department. The department disagrees that there is any conflict with other types of permits with respect to CWD management efforts. No changes were made as a result of the comments.

The department received 69 comments supporting adoption of the rules as proposed.

31 TAC §§69.43 - 69.46, 69.48, 69.49, 69.52

The amendments are adopted under Parks and Wildlife Code, §43.022, which requires the commission to adopt rules to govern the collecting, holding, possession, propagation, release, display, or transport of protected wildlife for scientific research, educational display, zoological collection, or rehabilitation and authorizes the department to issue a permit to a qualified person to collect, hold, possess, display, transport, release, or propagate protected wildlife for scientific research, educational display, zoological collection, or rehabilitation.

§69.44. General Provisions.

(a) General.

(1) Activities authorized by a permit issued under this subchapter shall be conducted only by the permittee and/or subpermittees named on the permit or volunteers in compliance with the requirements of this subchapter.

(2) Except as provided in paragraph (4) of this subsection, activities authorized by a permit issued under this subchapter shall be conducted only at a rehabilitation facility or satellite facility registered with the department via an electronic application designated by the department for that purpose.

(3) Wildlife held under the authority of a permit issued under this subchapter:

(A) shall not be commingled with domestic pets, livestock, exotic livestock, exotic fowl, or non-indigenous wildlife; and

(B) may not be sold, bartered, or exchanged for any consideration. A permit issued under this subchapter shall not authorize a person, firm, or corporation to engage in the propagation or commercial sale of wildlife.

(4) A permittee or subpermittee may possess sick or injured wildlife while not at a registered facility or satellite facility only for the amount of time necessary to stabilize and transport the wildlife to a registered facility or satellite facility.

(5) A permittee shall conduct rehabilitation in an environment which minimizes human contact and prevents human and domestic animal imprinting or bonding.

(6) A permittee shall not conduct activities governed under this subchapter on the same property as a fur-bearing animal propagation facility or deer breeding facility unless specifically authorized in writing by the department.

(7) All medical treatment, including vaccinations, shall be performed in consultation with a licensed veterinarian and in accordance with all applicable laws regarding extra-label use of medications and biologicals.

(8) The department may designate a manual process in lieu of any electronic application requirement of this subchapter if for whatever reason the electronic application is unavailable.

(b) Subpermittees and Volunteers.

(1) A subpermittee must:

(A) be at least 18 years of age; and

(B) have scored 100 percent on a department-administered wildlife rehabilitation examination within the previous five years

(2) A volunteer may engage in permitted activities if:

(A) the volunteer is identified on the daily volunteer log as required under §69.52 of this title (relating to Reports and Recordkeeping); and

(B) the supervisory permittee or a subpermittee is present. At any time that the supervisory permittee or a subpermittee is not present, volunteer activity must be limited to feeding, watering, cleaning of cages and enclosures, and other custodial activities that involve only incidental contact with wildlife.

(c) Display to the Public.

(1) Except for permitted educational purposes, wildlife possessed under a rehabilitation permit shall not be touched by or come in contact with anyone other than the permittee and/or subpermittees, volunteers, licensed veterinarians, or the staff of licensed veterinarians at any time.

(2) A permittee shall not allow the viewing, exhibit, or display to the public of animals possessed under a rehabilitation permit unless specifically authorized by permit provision.

(d) Non-releasable wildlife.

(1) No person may conduct educational display activities involving non-releasable wildlife under Type A, B, or C permits unless the supervisory permittee is present during the activity. Non-releasable wildlife:

(A) must be housed at the supervisory permittee's registered facility;

(B) shall not be displayed to the public except as provided in this subchapter for educational activities;

(C) shall not be touched or handled by the public at any time; and

(D) except for birds being flown for demonstration purposes, shall be restrained at all times during educational events in such a fashion as to prevent physical contact with the public; and

(E) shall be euthanized except as provided by this paragraph.

(2) Permission to retain non-releasable wildlife may be granted only to permittees who have at least five years' experience as a permitted wildlife rehabilitator.

(3) The department may permit the retention of non-releasable wildlife for approved educational, fostering, or socialization purposes, or for transfer to zoological, scientific, or educational permittees. Requests must be made in writing to the department, and no transfer shall take place until the department has approved the request. A request to retain non-releasable wildlife under this subsection shall include a statement from a licensed veterinarian that the animal is non-releasable and the reasons why the animal is non-releasable. The department will not authorize the retention of an animal that because of a disease or condition poses a danger to humans, other animals, or itself.

(4) Permittees possessing non-releasable raptors shall band the raptors with markers supplied by the department.

(e) Deer. Wildlife rehabilitation of white-tailed deer and mule deer is restricted to fawns only. No permittee or subpermittee may accept or possess a white-tailed or mule deer that is in adult pelage (no spots). All white-tailed or mule deer received by a permittee shall immediately be identified by the attachment to the pinna of either ear of:

(1) a Radio Frequency Identification Device (RFID) button tag approved by the department; and

(2) a "dangle" type tag bearing the unique identifier assigned to the deer by the department.

(3) The RFID tag required by this subsection must have an associated 15-digit animal identification number conforming to the 840 standards of the United States Department of Agriculture, which number shall be reported to the department in accordance with the applicable provisions of §65.92 of this title (relating to Reports and Recordkeeping).

(4) It is an offense for any person to remove or allow the removal of a tag required by this subsection from a living white-tailed or mule deer.

(5) A permittee or subpermittee who transfers a white-tailed or mule deer shall notify the administrator of the wildlife rehabilitation program at least 24 hours but not more than 48 hours prior to and following the completion of the transfer.

(6) Deer must be released, transferred, or euthanized by the end of the calendar year in which they were born or at the time they grow adult pelage, whichever occurs first.

(7) The department may require any deer held under a permit issued under this subchapter to be tested for chronic wasting disease.

(f) Disposition of Euthanized Wildlife. Euthanized wildlife and wildlife that has died while under the care of a permittee shall be:

(1) transferred to a person authorized by law to receive such wildlife;

(2) disposed of in a Type 1 landfill; or

(3) interred or incinerated onsite in compliance with any applicable local, state, or federal law regarding animal carcass burial or disposal.

(4) Open-pit disposal and burn-pile incineration are prohibited.

(g) Exceptions.

(1) Except as otherwise provided under Chapter 65, Subchapter B, of this title (relating to Disease Detection and Response), licensed veterinarians may hold, possess, and transport wildlife to provide emergency medical care or stabilization care until they are stabilized and able to be transferred, at which time the wildlife must be transferred to a permitted rehabilitator.

(2) This subchapter does not apply to department personnel, or transport by animal control officers or peace officers in the performance of official duties.

§69.45. Permit Required; Permit Privileges.

(a) Except as may be otherwise provided by this subchapter, no person may possess wildlife for purposes of rehabilitation unless the person possesses a valid permit issued under the provisions of this subchapter, as follows.

(1) A Type A permit authorizes the permittee to supervise volunteers and no more than two subpermittees, but does not authorize the permittee to conduct activities at any satellite facility.

(2) A Type B permit authorizes the permittee to supervise volunteers and no more than five subpermittees, but does not authorize the permittee to conduct permitted activities at more than one satellite facility. The department will not issue a Type B permit to any person unless that person is able to document a minimum of two years of experience as a permitted wildlife rehabilitator in Texas.

(3) A Type C permit authorizes the permittee to:

(A) supervise volunteers;

(B) supervise no more than 15 subpermittees: and

(C) conduct permitted activities at no more than 15 satellite facilities. The department will not issue a Type C permit to any person unless that person is able to document a minimum of five years of experience as a permitted wildlife rehabilitator in Texas.

(4) A Type D permit authorizes a permittee to:

(A) supervise volunteers;

(B) supervise any number of subpermittees; and

(C) conduct activities authorized under this subchapter at registered satellite facilities. The department will not issue a Type D permit to any person unless that person:

(i) is able to document a minimum of two years of experience as a:

(I) permitted wildlife rehabilitator; or

(II) licensed veterinarian treating or rehabilitating wildlife; and

(ii) is an employee of a Large Wildlife Rehabilitation Center.

(b) A person may possess protected wildlife for rehabilitation purposes at a satellite facility, provided:

(1) the person is listed as a subpermittee on the valid permit of a supervisory permittee and possesses a copy of the valid permit at the satellite facility;

(A) the supervisory permittee has registered the facility with the department;

(B) the facility is in compliance with the facility standards set forth in §69.49 of this title (relating to General Facilities Standards) and any additional standards or requirements set forth in the permit provisions of the supervisory permittee; and

(C) the subpermittee engages only in the rehabilitation activities authorized by the department to be undertaken at the satellite facility, including but not limited to restrictions on numbers and kinds of animals, life stages, and any other restrictions deemed necessary by the department.

(2) A permittee who registers a satellite facility with the department shall be responsible for the conduct of the subpermittee at the satellite facility with respect to all activities governed under this subchapter and applicable permit provisions.

(3) No activities regulated under this subchapter shall take place at a registered satellite facility unless the supervisory permittee has personally inspected the satellite facility within the previous 120 days and documented in writing that the satellite facility is compliant with the provisions of this subchapter and applicable permit provisions. The department may prescribe alternatives to physical visitation for permittees with a demonstrated history of compliance.

(4) The department will not authorize the registration of more than one satellite facility per subpermittee.

(5) No person may be a subpermittee for more than one permittee.

(c) A permittee may not be a subpermittee on another individual's permit.

(d) No permittee shall change facility location or receive unauthorized species, or conduct unauthorized activities unless the permittee possesses an amended permit authorizing such activity.

(e) Permits issued under this section may be issued for any period of time not exceeding three years from the date of issuance.

(f) The department may declare a wildlife health crisis in response to a disease outbreak or other conditions or circumstances that threatens wildlife species in the state. During a wildlife health crisis, the department may amend any permit provision (to include prohibition of the movement or transfer of wildlife into or from any facility) by emergency rule.

(g) No permittee shall possess an animal for longer than 365 days unless recommended in writing by a licensed veterinarian and specifically authorized in writing by the department.

§69.46. Application for Permit.

(a) An applicant for a permit under this subchapter must:

(1) be at least 18 years of age;

(2) have at least 600 hours of documented wildlife rehabilitation experience, obtained over at least two calendar years; and

(3) have been either:

(A) a permittee or subpermittee in Texas for at least two years; or

(B) a permitted wildlife rehabilitator in another state for at least two years; or

(4) The department will consider wildlife rehabilitation experience lawfully obtained under an equivalent permit issued by another state.

(b) The requirements of subsection (a) of this section do not apply to any person who, as of the effective date of this subsection, holds a valid wildlife rehabilitation permit issued by the department; however, a permittee who allows a permit to expire without renewal after the effective date of this subsection must comply with the provisions of subsection (a) of this section if that person seeks to obtain a permit again.

(c) Applications shall be made on forms supplied or approved by the department. Incomplete applications will not be processed.

(d) Applications must be accompanied by:

(1) a copy of the certificate of completion or similar documentation provided by the course provider, of at least 20 hours of training/coursework provided by or under the auspices of the International Wildlife Rehabilitation Coalition, the National Wildlife Rehabilitator's Association, or other organization or entity approved by the department;

(2) a letter of recommendation from a permitted wildlife rehabilitator with at least three years' experience as a permitted wildlife rehabilitator attesting to personal knowledge of the applicant's experience and competence at wildlife rehabilitation; and

(3) a test score of at least 80 percent on a department-administered wildlife rehabilitation examination.

(4) a letter from a licensed veterinarian attesting willingness to provide, if the department issues a permit to the applicant, wildlife veterinary consultation services to the permittee.

(e) Permits for the taking or holding of federally protected species shall not be valid unless the permittee also possesses a valid federal permit authorizing possession of those species.

(f) Except for persons authorized to do so under the terms of zoological permits, no person holding a permit authorizing the propagation for sale of wildlife shall be authorized to rehabilitate those species.

§69.48. Permit Renewals.

(a) Renewal applications shall be made on a form provided by the department and shall be submitted with the annual report required by §69.52 of this title (relating to Notifications, Reports, and Recordkeeping) by no later than January 15 of each year.

(b) Renewal applications shall not be processed until the department has received all reports required by §69.52 of this title accompanied by evidence of at least one of the following:

(1) completion of at least eight hours per permit year of training or coursework provided by or under the auspices of the International Wildlife Rehabilitation Coalition, the National Wildlife Rehabilitator's Association, or other department-approved organization or entity;

(2) a current Wildlife Rehabilitator Certification provided by the International Wildlife Rehabilitation Coalition; or

(3) attendance at a national wildlife rehabilitators conference within the preceding three years; and

(4) a letter from a licensed veterinarian attesting willingness to provide wildlife veterinary consultation services to the permittee.

(c) The department may deny a renewal as provided in Chapter 56 of this title (relating to Agency Decision to Refuse License or Permit Issuance or Renewal and Agency Decision to Suspend or Revoke Affected License or Permit.

§69.49. General Facilities Standards.

(a) All facilities shall be subject to inspections by the department. A first-time applicant's facilities shall be inspected by the department and no permit shall be issued until the facilities are determined to satisfy all of the applicable facilities standards of this subchapter.

(1) The department may specify individual caging requirements on a case-by-case basis.

(2) Clean water shall be available at all times except where medical circumstances require the temporary denial of water.

(3) Feces and waste materials shall be removed on a daily basis except for species which normally re-ingest fecal material.

(4) Cages shall be cleaned and disinfected using non-irritating methods.

(5) A person authorized by permit shall observe and provide care for wildlife at least once daily unless otherwise specified by the permit.

(b) As of the effective date of this subsection, the department will not allow the registration of any facility located in a domestic residence that shares air handling equipment or access to water, housing or exercise space, or food in common with another domestic residence (e.g., apartments, duplexes, townhomes, etc.). A permittee who operates a facility described by this subsection may continue to conduct wildlife rehabilitation activities at the facility after the effective date of this subsection; however, if the permit under which the facility was originally registered is allowed to expire without renewal after the effective date of this subsection, the provisions of this subsection apply.

(c) White-tailed deer and mule deer held under a permit issued under this subchapter shall be confined at all times within a department-approved enclosure (indoor, outdoor, or both) that is constructed in such a fashion as to prevent both escape and contact with other deer or susceptible species as defined in Chapter 65, Subchapter B, of this title (relating to Disease Detection and Response). The department will not authorize the rehabilitation of deer by a permittee if the permittee's facility is not in compliance with this subsection.

§69.52. Notifications, Reports, and Recordkeeping.

(a) At each registered facility for which a permittee is responsible, the permittee shall maintain, on a form provided or approved by the department:

(1) a daily log of all animals acquired or received for rehabilitation. The daily log shall, at a minimum, consist of the following:

(A) the species and sex (if possible) of each animal acquired or received;

(B) the date and time that each animal was acquired or received;

(C) the name, address, phone number, and, if possible, an email address for each person from whom an animal is acquired or received;

(D) the approximate or exact geographical location where each animal was found before being acquired or obtained;

(E) a reference identifier assigned to the wildlife;

(F) the RFID tag number assigned to a white-tailed or mule deer; and

(G) final disposition data for each animal, including:

(i) the cause of final disposition;

(ii) the date and time of final disposition; and

(iii) the method and location of disposition, including but not limited to:

(I) GPS coordinates for any release location;

(II) the name, address, phone number, and email address of the landowner of a property where wildlife is released; and

(III) the name, address, phone number, email address, and permit number (if applicable) of any person to whom wildlife is transferred, if wildlife is transferred; and

(2) a daily log of all volunteers who engage in permitted activities at the permittee's facility. The daily volunteer log shall record:

(A) the first and last name of each volunteer;

(B) a valid phone number and email address for each volunteer;

(C) the date the volunteer arrived at the facility;

(D) the time the volunteer arrived at the facility; and

(E) the time the volunteer departed the facility; and.

(3) if authorized to conduct activities at a satellite facility, documentation of facility inspections required by §69.45(b)(2) of this title.

(b) Each permittee shall complete and submit to the administrator of the department's rehabilitation program an annual report documenting all permitted activities conducted by all individuals listed on the permit, including activities conducted by subpermittees at satellite facilities. The report shall be submitted by January 15 of each year

(c) A separate report is required for each facility registered under the permittee's name.

(d) The reports required by this subsection shall be submitted to the department via an electronic application designated by the department for that purpose.

(e) The reports required by this section must be filed even if no permitted activities took place during the reporting period.

(f) The following shall be retained at the permitted facility and kept available for inspection by the department for a period of two years from generation:

(1) copies of all reports required by this section;

(2) the daily logs required by this section; and

(3) the written landowner permission to release wildlife required under the provisions of 69.51(g) of this title (relating to Release of Rehabilitated Wildlife).

(g) Within 10 days of the effective date of this subsection or the issuance of a permit under this subchapter, as applicable, a permittee shall notify the appropriate local animal control authority of the existence and location of each registered facility that is operated by the permittee within the jurisdiction of the local animal control authority. The notification required by this subsection shall be made in writing and documentation (original or copy) of the required notification shall be maintained at each registered facility for inspection by department personnel.

(h) A permittee shall notify the department within 24 hours of learning, discovering, or being informed that a reportable disease is confirmed to exist in an animal or within a facility for which the permittee is responsible.

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 October 21, 2026.

TRD-202604456
James Murphy
General Counsel
Texas Parks and Wildlife Department
Effective date: September 1, 2027
Proposal publication date: April 24, 2026
For further information, please call: (512) 389-4775

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31 TAC §69.47

The repeal is adopted under the authority of Parks and Wildlife Code, §43.022, which requires the commission to adopt rules to govern the collecting, holding, possession, propagation, release, display, or transport of protected wildlife for scientific research, educational display, zoological collection, or rehabilitation and authorizes the department to issue a permit to a qualified person to collect, hold, possess, display, transport, release, or propagate protected wildlife for scientific research, educational display, zoological collection, or rehabilitation.

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

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James Murphy
General Counsel
Texas Parks and Wildlife Department
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TITLE 37. PUBLIC SAFETY AND CORRECTIONS

PART 5. TEXAS BOARD OF PARDONS AND PAROLES

CHAPTER 141. GENERAL PROVISIONS

SUBCHAPTER A. BOARD OF PARDONS AND PAROLES

37 TAC §141.1, §141.3

The Texas Board of Pardons and Paroles (Board) adopts amendments to Texas Administrative Code, Title 37, Part 5, Chapter 141, Subchapter A, §141.1 and §141.3, concerning General Provisions. The amendments are adopted without change to the proposed text as published in the September 4, 2026, edition of the *Texas Register* (51 TexReg 6129). The rules will not be republished. The amendments adopted are to promote simplicity, clarity, and ease of understanding.

No public comments were received regarding adoption of these amendments.

The amended rules are adopted under §§508.036(b), 508.0441, 508.045, 508.141 and 508.149, Government Code. Section 508.036(b) authorizes the Board to adopt rules relating to the decision-making processes used by the Board and parole panels. Section 508.0441 authorizes the Board to adopt reasonable rules as proper or necessary relating to the eligibility of an offender for release to parole or mandatory supervision and to act on matters of release to parole or mandatory supervision. Section 508.045 authorizes a parole panel to grant or deny parole, revoke parole or mandatory supervision, and conduct revocation hearings.

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

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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Richard Gamboa
Technical Writer
Texas Board of Pardons and Paroles
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For further information, please call: (512) 406-5309

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SUBCHAPTER B. RULEMAKING

37 TAC §141.57

The Texas Board of Pardons and Paroles (Board) adopts amendments to Texas Administrative Code, Title 37, Part 5, Chapter 141, Subchapter B, §141.57, concerning rulemaking. The amendments are adopted with one non-substantive change to the proposed text as published in the September 4, 2026, edition of the *Texas Register* (51 TexReg 6131) and will be republished. The amendments proposed are to incorporate modernization updates and relevant statutory cross-references; and to promote simplicity and clarity. Subsection (g) was modified at adoption to remove "of this section."

No public comments were received regarding adoption of these amendments.

The amended rule is adopted under §§508.036(b), 508.0441, 508.045, 508.141 and 508.149, Government Code. Section 508.036(b) authorizes the Board to adopt rules relating to the decision-making processes used by the Board and parole panels. Section 508.0441 authorizes the Board to adopt reasonable rules as proper or necessary relating to the eligibility of an offender for release to parole or mandatory supervision and to act on matters of release to parole or mandatory supervision. Section 508.045 authorizes a parole panel to grant or deny parole, revoke parole or mandatory supervision, and conduct revocation hearings.

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

§141.57. Petition for Adoption of Rule.

(a) Any interested person may petition the Board requesting the adoption of a rule pursuant to Tex. Gov't Codes 2001.021, 2006.002, and 2008.

(b) A petition shall be mailed or submitted by electronic means to the General Counsel of the Texas Board of Pardons and Paroles as published on the Board's website.

(c) The petition must be submitted in writing, must be identified as Petition for Adoption of Rule, and must comply with the following requirements:

(1) each petition must state the name and address of the petitioner;

(2) each petition shall include:

(A) a completed intake checklist.

(B) a brief explanation of the proposed rule; and

(C) the text of the proposed rule prepared in a manner to indicate the words to be added or deleted in the current text, if any.

(d) The petitioner must submit:

(1) A statement of statutory authority or authority under which the rule is to be promulgated;

(2) If an adverse economic impact of the proposed rule on small or microbusinesses is identified, the petition shall also contain:

(A) An economic impact statement which details the probable effect of the rule on employment in each geographic area affected by the rule for each year of the first five years that the rule will be in effect, and describes alternative methods of achieving the purpose of the proposed rule; and

(B) A regulatory flexibility analysis as defined in Section 2006.002(d), Government Code. In addition to the petition, the person may submit a proposal for the adoption of the proposed rule through negotiated rulemaking. The proposal shall identify the potential participants for the negotiated rulemaking committee, possible third party facilitators, and a timeline for the process.

(e) Consideration and Disposition of the Petition

(1) Except as provided in subsection (f) of this rule, the Chair shall consider and reject or approve petitions submitted.

(2) Within 60 days after receipt of a petition by the General Counsel, or within 60 days after receipt by the General Counsel of a resubmitted petition in accordance with subsection (d) of this rule, the Chair, in consultation with the General Counsel, shall consider the petition and shall either deny it in writing, stating its reasons for denial, or shall initiate rulemaking proceedings in accordance with Section 2001.021, Government Code.

(3) A petition may be denied for failure to comply with the petition requirements of this rule.

(4) If the Chair, in consultation with the General Counsel, denies the petition, the General Counsel shall give the petitioner written notice of the denial and the reasons for the denial.

(f) The General Counsel may refuse to consider any subsequent petition for the adoption of the same or similar rule submitted within one year after the date of the initial petition.

(g) The General Counsel shall provide the petitioner a written acknowledgement of receipt of a petition that states the date the petition was received and the date by which the Chair must act under subsection (e)(2).

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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Richard Gamboa
Technical Writer
Texas Board of Pardons and Paroles
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For further information, please call: (512) 406-5309

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SUBCHAPTER C. SUBMISSION AND PRESENTATION OF INFORMATION AND REPRESENTATION OF OFFENDERS

37 TAC §141.60, §141.61

The Texas Board of Pardons and Paroles (Board) adopts amendments to Texas Administrative Code, Title 37, Part 5, Chapter 141, Subchapter C, §141.60 and §141.61, concerning submission and presentation of information and representation of offenders. The amendments are adopted without change to the proposed text as published in the September 4, 2026, edition of the *Texas Register* (51 TexReg 6132). The rules will not be republished. The amendments proposed are to consolidate rules and revise language to promote simplicity and clarity.

No public comments were received regarding adoption of these amendments.

The amended rules are adopted under §§508.036(b), 508.0441, 508.045, 508.141 and 508.149, Government Code. Section 508.036(b) authorizes the Board to adopt rules relating to the decision-making processes used by the Board and parole panels. Section 508.0441 authorizes the Board to adopt reasonable rules as proper or necessary relating to the eligibility of an offender for release to parole or mandatory supervision and to act on matters of release to parole or mandatory supervision. Section 508.045 authorizes a parole panel to grant or deny parole, revoke parole or mandatory supervision, and conduct revocation hearings.

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

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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Richard Gamboa
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SUBCHAPTER G. DEFINITION OF TERMS

37 TAC §141.111

The Texas Board of Pardons and Paroles (Board) adopts amendments to Texas Administrative Code, Title 37, Part 5, Chapter 141, Subchapter G, §141.111, concerning definition of terms. The amendments are adopted without change to the proposed text as published in the September 4, 2026, edition of the *Texas Register* (51 TexReg 6133). The rule will not be republished. The adopted amendments are to eliminate redundant definitions, incorporate applicable acronyms, and update voting codes through a hyperlinked table to enhance accessibility.

No public comments were received regarding adoption of these amendments.

The amended rule is adopted under §§508.036(b), 508.0441, 508.045, 508.141 and 508.149, Government Code. Section 508.036(b) authorizes the Board to adopt rules relating to the decision-making processes used by the Board and parole panels. Section 508.0441 authorizes the Board to adopt reasonable rules as proper or necessary relating to the eligibility of an offender for release to parole or mandatory supervision and to act on matters of release to parole or mandatory supervision. Section 508.045 authorizes a parole panel to grant or deny parole, revoke parole or mandatory supervision, and conduct revocation hearings.

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

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 143. EXECUTIVE CLEMENCY

SUBCHAPTER A. FULL PARDON AND RESTORATION OF RIGHTS OF CITIZENSHIP

37 TAC §§143.1 - 143.10, 143.12 - 143.14

The Texas Board of Pardons and Paroles (Board) adopts amendments to Texas Administrative Code, Title 37, Part 5, Chapter 143, Subchapter A, §§143.1 - 143.5, 143.7 - 143.10, and 143.12 - 143.14 concerning full pardon and restoration of rights of citizenship. These amendments are adopted without changes to the proposed text as published in the September 4, 2026, edition of the *Texas Register* (51 TexReg 6135) and will not be republished. Section 143.6 is adopted with changes which clarifies exceptions to §143.6(a). This amendment will be republished. The amendments are adopted to promote simplicity and clarity.

No public comments were received regarding adoption of these amendments.

The amended rules are adopted under the Texas Constitution, Article 4, Section 11, and the Code of Criminal Procedure, Article 48.01 and Article 48.03. Article 4, Section 11, Texas Constitution authorizes the Board to make clemency recommendations to the Governor. Articles 48.01 and Article 48.03, Code of Criminal Procedure, authorize the Board to make clemency recommendations to the Governor.

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

§143.6. Offender in Texas Department of Criminal Justice-Correctional Institutions Division.

(a) An offender currently incarcerated in TDCJ-CID will be considered for a full pardon, upon written application, only after the offender's minimum statutory parole eligibility has been attained and the offender has been reviewed for and denied parole.

(b) Subsection (a) of this section does not apply to a survivor of human trafficking or domestic violence who demonstrates the survivor's conviction correlates to human trafficking or domestic violence. The applicant has the burden of demonstrating the connection between the applicant's conviction and the applicant's victimization through human trafficking or domestic violence.

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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Technical Writer
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SUBCHAPTER B. CONDITIONAL PARDON

37 TAC §§143.21 - 143.24

The Texas Board of Pardons and Paroles (Board) adopts amendments to Texas Administrative Code, Title 37, Part 5, Chapter 143, Subchapter B, §§143.22 - 143.24 concerning conditional pardon. The amendments are adopted without change to the proposed text as published in the September 4, 2026, edition of the *Texas Register* (51 TexReg 6137) and will not be republished. Section 143.21 is adopted with changes which clarifies the reference cited in subsection b. This amendment will be republished. The amendments adopted are to promote simplicity and clarity and to conform with protocol. The change in §143.21 should read as follows:

(b) For revocation purposes, a recipient of a conditional pardon is considered a "releasee" as that term is defined in §141.111(26) of this Title (Definitions of Terms).

No public comments were received regarding adoption of these amendments.

The amended rules are adopted under the Texas Constitution, Article 4, Section 11, and the Code of Criminal Procedure, Article 48.01 and Article 48.03. Article 4, Section 11, Texas Constitution authorizes the Board to make clemency recommendations to the Governor. Articles 48.01 and Article 48.03, Code of Criminal Procedure, authorize the Board to make clemency recommendations to the Governor.

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

§143.21. Definition.

(a) A conditional pardon is a form of executive clemency that upon application may be recommended by the Board to the Governor, except in cases of treason or impeachment. If granted a conditional pardon, serves to release the offender from the conditions of the offender's sentence or any disabilities imposed by law thereby, subject to the conditions outlined in the clemency proclamation.

(b) For revocation purposes, a recipient of a conditional pardon is considered a "releasee" as that term is defined in §141.111(26) of this Title (Definitions of Terms). All such revocation proceedings are governed by the rules found in Ch. 146 of this Title (Revocation of Parole or Mandatory Supervision).

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

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SUBCHAPTER C. REPRIEVE

37 TAC §§143.31, 143.32, 143.35

The Texas Board of Pardons and Paroles (Board) adopts amendments to Texas Administrative Code, Title 37, Part 5, Chapter 143, Subchapter C, §§143.31, 143.32, and 143.35 concerning reprieve. The amendments are adopted without change to the proposed text as published in the September 4, 2026, edition of the *Texas Register* (51 TexReg 6138). The amendments will not be republished. The amendments proposed are to promote simplicity and clarity.

No public comments were received regarding adoption of these amendments.

The amended rules are adopted under the Texas Constitution, Article 4, Section 11, and the Code of Criminal Procedure, Article 48.01 and Article 48.03. Article 4, Section 11, Texas Constitution authorizes the Board to make clemency recommendations to the Governor. Articles 48.01 and Article 48.03, Code of Criminal Procedure, authorize the Board to make clemency recommendations to the Governor.

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

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

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For further information, please call: (512) 406-5309

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37 TAC §143.33, §143.34

The Texas Board of Pardons and Parole (Board) adopts the repeal of Texas Administrative Code, Title 37, Part 5, Chapter 143, Subchapter C. Reprieve, §143.33 and §143.34. The repeal is adopted without change to the proposed text as published in the September 4, 2026, edition of the *Texas Register* (51 TexReg 6139). The repeal is the result of a review of the subchapter pursuant to the four-year rule review prescribed by §2001.039 Government Code. The repeals will not be republished.

No public comments were received regarding adoption of these repeals.

The repeal of §143.33 is warranted because the civil courts have the right to subpoena someone to attend or appear before them, making the rule unnecessary. The repeal of §143.34 is warranted because the Board has the statutory authority to release an offender due to their medical condition.

The repeals are adopted under §508.036(b)(1) Government Code, which provides authority for the Board adopt rules relating to the decision-making processes used by the Board and parole panels.

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

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

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Richard Gamboa
Technical Writer
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SUBCHAPTER D. REPRIEVE FROM EXECUTION

37 TAC §§143.41 - 143.43

The Texas Board of Pardons and Paroles (Board) adopts amendments to Texas Administrative Code, Title 37, Part 5, Chapter 143, Subchapter D, §§143.41 - 143.43 concerning reprieve from execution. The amendments are adopted without change to the proposed text as published in the September 4, 2026, edition of the *Texas Register* (51 TexReg 6140). The rules will not be republished. The amendments adopted are to promote simplicity and clarity and to address grammatical change.

No public comments were received regarding adoption of these amendments.

The amended rules are adopted under the Texas Constitution, Article 4, Section 11, and the Code of Criminal Procedure, Article 48.01 and Article 48.03. Article 4, Section 11, Texas Constitution authorizes the Board to make clemency recommendations to the Governor. Articles 48.01 and Article 48.03, Code of Criminal Procedure, authorize the Board to make clemency recommendations to the Governor.

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

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

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SUBCHAPTER E. COMMUTATION OF SENTENCE

37 TAC §§143.52, 143.53, 143.57

The Texas Board of Pardons and Paroles (Board) adopts amendments to Texas Administrative Code, Title 37, Part 5, Chapter 143, Subchapter E, §§143.52, 143.53, and 143.57 concerning commutation of sentence. The amendments are adopted with changes to the proposed rules as published in the September 4, 2026, edition of the *Texas Register* (51 TexReg 6141) and will be republished. The amendments adopted are to promote simplicity, clarity, and modernization. The changes to the proposed

text of 143.57 are intended to clarify the application process and reflect modernization of the submission process.

No public comments were received regarding adoption of these amendments.

The amended rules are adopted under the Texas Constitution, Article 4, Section 11, and the Code of Criminal Procedure, Article 48.01 and Article 48.03. Article 4, Section 11, Texas Constitution authorizes the Board to make clemency recommendations to the Governor. Articles 48.01 and Article 48.03, Code of Criminal Procedure, authorize the Board to make clemency recommendations to the Governor.

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

§143.52. Commutation of Sentence, Felony, or Misdemeanor.

(a) The Board will consider recommending to the Governor a commutation of sentence upon a request submitted electronically or by mail accompanied by the written recommendation of a majority of the trial officials. These written recommendations must be provided on the official letterhead of each trial official.

(b) If the offender has the recommendation of three trial officials and no written communication is received from the fourth trial official, the Board shall give the remaining trial official notice that a clemency recommendation is being considered by the Board.

(c) In cases tried prior to the tenure of the present office-holders, the recommendation of persons holding such offices at the time the case was tried may be used to support the recommendation of the current trial officials, if in compliance with the requirements of subsection (d) of this section.

(d) Each trial official's recommendation for commutation of sentence must include the following:

(1) a statement that the penalty now appears to be excessive;

(2) a recommendation of a definite term now considered by the officials as just and proper; and

(3) a statement of the reasons for the recommendation based upon facts directly related to the case which were in existence, but not available to, the court or jury at the time of the trial, or a statutory change in penalty for the crime which would appear to make the original penalty excessive.

§143.53. Commutation of Remainder of Jail Sentence or Fine after Reprieve.

The Board will consider recommending to the Governor a commutation of the remainder of the time left to serve on a jail sentence or commutation of fine after satisfactory completion of a reprieve of the jail sentence or fine.

§143.57. Commutation of Death Sentence to Lesser Penalty.

(a) The Board will consider recommending to the Governor a commutation of death sentence to a sentence of life imprisonment or the appropriate maximum penalty that can be imposed upon receipt of:

(1) a request from the majority of the trial officials of the court of conviction; or

(2) a written request of the offender or representative setting forth all grounds upon which the application is based, stating the full name of the offender, the county of conviction, and the execution date.

(b) Any such application shall be submitted by electronic means or delivered to the Texas Board of Pardons and Paroles as published on the Board's website, not later than the twenty-first calendar day before the execution is scheduled. If the twenty-first calendar day before the execution is scheduled falls on a weekend or state observed holiday, the application shall be delivered not later than the next business day. The application shall contain the following information:

(1) the name of the applicant, execution number, together with any other pertinent identifying information;

(2) identification of the applicant's agents, if any, who are presenting the application;

(3) certified copies of the indictment, judgment, verdict of the jury, and the sentence in the case, including official documentation verifying the scheduled execution date, if said information is not contained in the sentence;

(4) a brief statement of the offense for which the offender has been sentenced to death;

(5) a brief statement of the appellate history of the case, including its current status;

(6) a brief statement of the legal issues which have been raised during the judicial progress of the case;

(7) the requested length of duration of the reprieve, which shall be in increments of 30 days in accordance with the Governor's statutory authority to grant one 30-day reprieve, unless a different duration is requested upon the basis of the grounds for the application set forth pursuant to paragraph (8) of this section; and,

(8) all grounds upon the basis of which the reprieve is requested, provided that such grounds shall not call upon the Board to decide technical questions of law which are properly presented via the judicial process.

(c) All supplemental information not filed with the application, including but not limited to amendments, addenda, supplements, or exhibits, must be submitted through the provisions pursuant to subsection (b) of this rule, not later than the fifteenth calendar day before the execution is scheduled. If the fifteenth calendar day before the execution is scheduled falls on a weekend or state observed holiday, all additional information including but not limited to amendments, addenda, supplements, or exhibits shall be delivered not later than the next business day.

(d) The application and any information electronically submitted or delivered with the application, including but not limited to amendments, addenda, supplements, or exhibits, must be provided by the applicant in the manner determined by the Chair.

(e) Advocates for and against the death penalty, generally, and members of the public may submit written information for the Board's consideration through the provisions pursuant to subsection (b) of this rule during regular business hours.

(f) An offender seeking a Board recommendation to the Governor of commutation of the death sentence to a lesser penalty may request the opportunity to speak with a member of the Board. Such request shall be included in the written application or any supplement filed therewith in accordance with this section.

(g) Upon receipt of the request pursuant to subsection (f), the Chair shall designate at least one member of the Board to be present or appear by videoconference at the TDCJ-CID confining unit. Attendance shall be limited to the offender, the designated Board Member(s), Board staff, and TDCJ-CID staff. When considering the offender's application for commutation of the death sentence to a lesser penalty, the Board may consider statements made by the offender at such interviews and any other materials the offender delivers to the Board Member.

(h) The Board shall consider and decide applications for commutation of the death sentence to a lesser penalty. Upon review, a majority of the Board, or a majority thereof, in written and signed form, may:

(1) recommend to the Governor the commutation of the death sentence to a lesser penalty;

(2) not recommend commutation of the death sentence to a lesser penalty; or

(3) set the matter for a hearing pursuant to §143.43 of this chapter (relating to Procedure in Capital Reprieve Cases).

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 October 23, 2026.

TRD-202604490
Richard Gamboa
Technical Writer
Texas Board of Pardons and Paroles
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Proposal publication date: September 4, 2026
For further information, please call: (512) 406-5309

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SUBCHAPTER F. REMISSION OF FINES AND FORFEITURES

37 TAC §143.71, §143.73

The Texas Board of Pardons and Paroles (Board) adopts amendments to Texas Administrative Code, Title 37, Part 5, Chapter 143, Subchapter F, §143.71 and §143.73 concerning remission of fines and forfeitures. The amendments are adopted without change to the proposed text as published in the September 4, 2026, edition of the *Texas Register* (51 TexReg 6143) and will not be republished. The amendments proposed are to promote simplicity and clarity.

No public comments were received regarding adoption of these amendments.

The amended rules are adopted under the Texas Constitution, Article 4, Section 11, and the Code of Criminal Procedure, Article 48.01 and Article 48.03. Article 4, Section 11, Texas Constitution authorizes the Board to make clemency recommendations to the Governor. Articles 48.01 and Article 48.03, Code of Criminal Procedure, authorize the Board to make clemency recommendations to the Governor.

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

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

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SUBCHAPTER G. RESTORATION OF DRIVER'S LICENSE

37 TAC §143.82

The Texas Board of Pardons and Paroles (Board) adopts amendments to Texas Administrative Code, Title 37, Part 5, Chapter 143, Subchapter G, §143.82 concerning restoration of driver's license. The amendments are adopted without change to the proposed text as published in the September 4, 2026, edition of the *Texas Register* (51 TexReg 6144). The amendment will not be republished. The amendments proposed are to promote simplicity and clarity.

No public comments were received regarding adoption of these amendments.

The amended rule is adopted under the Texas Constitution, Article 4, Section 11, and the Code of Criminal Procedure, Article 48.01 and Article 48.03. Article 4, Section 11, Texas Constitution authorizes the Board to make clemency recommendations to the Governor. Articles 48.01 and Article 48.03, Code of Criminal Procedure, authorize the Board to make clemency recommendations to the Governor.

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

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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Richard Gamboa
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CHAPTER 145. PAROLE

SUBCHAPTER A. PAROLE PROCESS

37 TAC §§145.1 - 145.3, 145.12, 145.13, 145.15, 145.17, 145.18, 145.20

The Texas Board of Pardons and Paroles (Board) adopts amendments to 37 TAC Chapter 145, §§145.1 - 145.3, and 145.20 concerning parole process. The amendments are adopted without changes to the proposed text as published in the September 4, 2026, edition of the *Texas Register* (51 TexReg 6145) and will not be republished. Sections 145.12, 145.13, 145.15, 145.17, and 145.18 are adopted with changes to incorporate the new statu-

tory language from Senate Bill 1506 89th Legislative Session regarding the reconsideration of parole after the first anniversary date of denial; and to promote simplicity and clarity. These rules will be republished. The changes are as follows: Section 145.12, paragraph (6) was modified to more precisely cross-reference section 4(a). Section 145.13 was modified with non-substantive changes to paragraph numbering. Section 145.15 was modified to clarify voting options and correct typographical errors. Section 145.17 was modified to define "Information not previously available" as "responses from trial officials and victims that did not provide input prior to the decision being rendered." Section 145.18 was modified to align with rule requirements in Texas Government Code 508.146(g), requiring Board rules to specify procedures for evaluating prognosis of offenders eligible for MRIS, specify factors for MRIS release, and define what constitutes a threat to public safety.

No public comments were received regarding adoption of these amendments.

The amended rule is proposed under §§508.036 and 508.0441, Texas Government Code. Section 508.036 requires the board to adopt rules relating to the decision-making processes used by the board and parole panels; and §508.0441 provides the board with the authority to consider and order release on parole or mandatory supervision.

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

§145.12. Action upon Review.

A case reviewed by a parole panel for parole consideration may be:

(1) deferred for request and receipt of further information;

(2) denied a favorable parole action at this time and set for review on a future specific month and year (Set-Off).

(A) The next review date (Month/Year) may be set at any date after the first anniversary of the date of denial and before the fifth anniversary of the date of denial; or

(B) If the offender is serving a sentence under Section 481.115, Health and Safety Code, involving a controlled substance listed in Penalty Group 1, or an offense under Section 481.1151, 481.116, 481.1161, 481.117, 481.118, or 481.121, the next review date (Month/Year) shall begin as soon as practicable after the first anniversary of the date of denial.

(3) denied parole and ordered serve all, but in no event shall this be utilized if the offender's projected release date is greater than five (5) years from the date of the panel decision, or over one (1) year from the date of the panel decision for offenders serving a sentence for an offense under Section 481.115, Health and Safety Code, involving a controlled substance listed in Penalty Group 1, or an offense under Section 481.1151, 481.116, 481.1161, 481.117, 481.118, or 481.121 of that code. If the serve-all date in effect on the date of the panel decision is extended by more than 180 days, the case shall be placed in regular parole review;

(4) ordered for further investigation (FI) if it is determined that the circumstances favor the offender's release on parole, and impose all conditions of parole or release to mandatory supervision that the parole panel is required or authorized by law to impose. The following table contains the available voting options for the parole panel:
Figure: 37 TAC §145.12(4)

(5) any person released to parole after completing a TDCJ rehabilitation program as a prerequisite for parole, must participate in and complete any required post-release program. A parole panel shall require as a condition of release on parole or release to mandatory supervision that an offender who immediately before release is a participant in the program established under Section 501.0931, Government Code, participate as a releasee in a drug or alcohol abuse continuum of care treatment program; or

(6) any offender receiving an FI vote, as listed in the attached graphic in paragraph (4) of this section, shall be placed in a parole-approved program consistent with the vote. If treatment program managers recommend a different program for an offender, a transmittal shall be forwarded to the parole panel requesting approval to place the offender in a different program.

§145.13. Action upon Review; Consecutive (Cumulative) Felony Sentencing.

(a) This section applies only to an offender sentenced to serve consecutive sentences if each sentence in the series is for an offense committed on or after September 1, 1987.

(b) A parole panel shall review for parole consideration consecutive felony sentencing cases as determined and in the sequence submitted by the TDCJ.

(c) If the case under parole consideration is a pre-final consecutive felony sentencing case, the parole panel may defer for request and receipt of further information. The following table contains the available voting options for the Board.
Figure: 37 TAC §145.13(c)

(d) If the case under parole consideration is the last and final in a series of consecutive felony sentencing cases, the case shall be reviewed under §145.12 of this title (relating to Action upon Review).

(e) When a parole panel reviews for parole consideration a consecutive felony sentencing case, the parole panel shall indicate the Cause Number of the consecutive felony sentencing case it is considering.

§145.15. Action upon Review; Extraordinary Vote.

(a) This section applies to any offender convicted of or serving a sentence for a capital felony, other than a life sentence, or a capital felony with a life sentence, who is eligible for parole, or an offense under Sections 20A.03, 21.02, 21.11(a)(1), or 22.021, Penal Code, or who is required under Section 508.145(c), Government Code to serve 35 calendar years before becoming eligible for parole review. All Board members shall vote on the release of an eligible offender. An eligible offender may only be released to parole if at least two thirds of the members vote favorably to release. Board members shall not vote until they have received and reviewed written report from the department regarding the probability that the offender will commit an offense if released.

(1) Use of the full range of voting options is ineffective in determining whether two-thirds of the Board consider the offender ready for release to parole.

(2) If circumstances support a favorable action upon review, the following table lists the Board's available voting options:
Figure: 37 TAC §145.15(a)(2)

(3) If circumstances do not support a favorable action upon review, the following table lists the Board's available voting options:
Figure: 37 TAC §145.15(a)(3)

(b) If the offender is sentenced to serve consecutive sentences and each sentence in the series is for an offense committed on or after September 1, 1987, the following table lists the Board's available voting options:
Figure: 37 TAC §145.15(b)

(c) Some offenders are eligible for consideration for release to Discretionary Mandatory Supervision if the sentence is for an offense committed on or after September 1, 1996. Before the offender reaches the projected release date, the voting options are the same as those listed in subsections (a)(2) and (a)(3) of this section. For offenders eligible for consideration for release to Discretionary Mandatory Supervision, the case shall be referred to a three-member parole panel within 30 days of the offender's projected release date for consideration for release to mandatory supervision. The following table lists the Board's available voting options:
Figure: 37 TAC §145.15(c)

§145.17. Action upon Special Review--Release Denied.

(a) This rule provides a forum for receipt and consideration of information not previously available to the parole panel where the decision of the panel was to deny release to parole or mandatory supervision. If the denial decision was based upon erroneous information or an administrative processing error, this rule does not apply.

(b) Requests for special review shall apply only to cases reviewed for release to parole or mandatory supervision where the decision of the parole panel was to deny release to parole or mandatory supervision.

(c) All requests for special review shall be in writing and signed by the offender, his or her attorney, or in cases where the offender is unable to sign due to a mental or physical impairment, by a person acting on his or her behalf.

(d) All requests for special review shall be submitted by electronic means or delivered to the Texas Board of Pardons and Paroles as published on the Board's website.

(e) The request that meets the criteria shall be referred to the special review parole panel.

(f) Requests for special review shall be considered in the following circumstances:

(1) a written request on behalf of an offender is received which cites information not previously available to the parole panel; as defined in subsection (g) of this rule; or

(2) a parole panel denied release to parole or mandatory supervision and a parole panel member who voted with the majority on that panel desires to have the decision reconsidered prior to the next review (NR) date; or

(3) if both parole panel members who voted with the majority are no longer active Board Members or Parole Commissioners, the Presiding Officer places the case in the special review process to be reconsidered prior to the NR date.

(g) Definitions. In this section:

(1) Information not previously available means only:

(A) responses from trial officials and victims that did not provide input prior to the decision being rendered;

(B) a change in an offender's sentence and judgment; or

(C) an allegation that the parole panel has committed an error of law or Board rule;

(2) Erroneous information means information provided to the parole panel during the review process that may have been utilized as a basis for denial but is later determined to be inaccurate; and

(3) Administrative processing error means an action during the processing of an offender's file that results in the omission of or the recording of inaccurate information with respect to voting, denial reasons, or NR dates.

(h) A special review parole panel, other than the current voting panel, shall decide and exercise final action on such requests for special review.

(i) Upon considering a case for special review, the special review parole panel may take the following action:

(1) defer for request and receipt of further information;

(2) vote remain set; or

(3) revote the case in accordance with applicable provisions of Subchapter A of this chapter (relating to Parole Process).

(j) The special review parole panel shall not set an offender's NR date on a date later than the previous NR date.

§145.18. Medically Recommended Intensive Supervision (MRIS).

(a) An offender other than an offender who is serving a sentence of death or life without parole or an offender who is not a citizen of the United States defined by federal law, may be released on MRIS based on factors that include:

(1) nature and onset of the medical condition that meet MRIS criteria enumerated in statute and defined by the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI);

(2) required medical treatment and care;

(3) individual diagnosis and likelihood of recovery;

(4) whether the offender constitutes a threat to public safety; and

(5) other relevant information.

(b) The MRIS panel shall evaluate the prognosis of offenders identified by TCOOMMI as meeting MRIS criteria, based on the following:

(1) a review of the offender's condition by at least one health care practitioner; and

(2) a written report from each health care practitioner who reviews the offender's condition that:

(A) is in plain language and understandable by a non-medical professional;

(B) specifically describes how the offender's condition and treatment for the condition will affect the offender's cognitive and physical abilities and limitations; and

(C) contains other information as required by the Board.

(c) For the purpose of this rule, "threat to public safety" is a determined potential risk of harm or danger to the public, evaluated by the parole panel based on the following factors:

(1) criminal history;

(2) disciplinary, behavioral, rehabilitative, and medical compliance;

(3) victim/trial official information;

(4) nature and onset of medical condition;

(5) required medical treatment and care;

(6) individual diagnosis to include likelihood of recovery; and

(7) any other relevant information.

(d) The following table lists the available voting options for the MRIS panel:
Figure: 37 TAC §145.18(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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Richard Gamboa
Technical Writer
Texas Board of Pardons and Paroles
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For further information, please call: (512) 406-5309

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SUBCHAPTER B. TERMS AND CONDITIONS OF PAROLE

37 TAC §145.22

The Texas Board of Pardons and adopts amendments to 37 TAC Chapter 145, §145.22, Subchapter B, concerning terms and conditions of parole. The amendments are adopted without change to the proposed text as published in the September 4, 2026, edition of the *Texas Register* (51 TexReg 6151). The rule will not be republished. The amendments are adopted to consolidate rules and to promote simplicity and clarity.

No public comments were received regarding adoption of these amendments.

The amended rule is adopted under §§508.036 and 508.0441, Texas Government Code. Section 508.036 requires the board to adopt rules relating to the decision-making processes used by the board and parole panels; and §508.0441 provides the board with the authority to consider and order release on parole or mandatory supervision.

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

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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Richard Gamboa
Technical Writer
Texas Board of Pardons and Paroles
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For further information, please call: (512) 406-5309

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CHAPTER 149. MANDATORY SUPERVISION

SUBCHAPTER B. SELECTION FOR MANDATORY SUPERVISION

37 TAC §149.16

The Texas Board of Pardons and Paroles adopts amendments to 37 TAC Chapter 149, Subchapter B, §149.16 selection for mandatory supervision. The amendments are adopted without change to the proposed text as published in the September 4, 2026, edition of the *Texas Register* (51 TexReg 6152). The rule will not be republished. The amendments to §149.16 are proposed to conform with protocol and provide for clarity and simplicity.

No public comments were received regarding adoption of these amendments.

The amended rules are proposed under §§508.036(b), 508.0441, 508.045, 508.141 and 508.149, Government Code. Section 508.036(b) authorizes the Board to adopt rules relating to the decision-making processes used by the Board and parole panels. Section 508.0441 authorizes the Board to adopt reasonable rules as proper or necessary relating to the eligibility of an offender for release to parole or mandatory supervision and to act on matters of release to parole or mandatory supervision. Section 508.045 authorizes a parole panel to grant or deny parole, revoke parole or mandatory supervision, and conduct revocation hearings.

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

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 October 23, 2026.

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Richard Gamboa
Technical Writer
Texas Board of Pardons and Paroles
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Proposal publication date: September 4, 2026
For further information, please call: (512) 406-5309

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CHAPTER 150. MEMORANDUM OF UNDERSTANDING AND BOARD POLICY STATEMENTS

SUBCHAPTER A. PUBLISHED POLICIES OF THE BOARD

37 TAC §150.55

The Texas Board of Pardons and Paroles adopts amendments to 37 TAC Chapter 150, Subchapter A, §150.55 concerning memorandum of understanding and board policy statements. The amendments are adopted with a non-substantive change to the proposed text as published in the September 4, 2026, edition of the *Texas Register* (51 TexReg 6153) and will be republished. The amendments to §150.55 are proposed to provide edits for

clarity and simplicity. This section was modified to delete "of this section" in subsection (f).

No public comments were received regarding adoption of these amendments.

The amended rules are adopted under Subtitle B, Ethics, Chapter 572 and Sections §§508.0441 and 508.035, Government Code. Subtitle B, Ethics, Chapter 572 is the ethics policy of this state for state officers or state employees. Section 508.0441 requires the Board to implement a policy which, clearly defines under what circumstances a Board member or parole commissioner should disqualify themselves on parole or mandatory supervision decisions. Section 508.035, Government Code requires the Presiding Officer to establish policies and procedures to further the efficient administration of the business of the Board.

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

§150.55. Conflict of Interest Policy.

(a) Section 1--Policy.

(1) It is the policy of the Board that no Board Member or Parole Commissioner shall have any interest, financial or otherwise, direct or indirect; or engage in any business transaction or professional activity or incur any obligation of any nature that is in substantial conflict with the proper discharge of their duties in the public interest. In implementing this policy, they are provided the following standards of conduct, disclosure, and disqualification to be observed in the performance of their official duties.

(2) A Board Member or Parole Commissioner shall respect and comply with the law and not allow their family, social, or other relationships to influence their conduct, decisions, or judgment.

(b) Section 2--Disclosure.

(1) A Board Member or Parole Commissioner shall submit generally, and on a case-by-case basis, written notice to the Presiding Officer (Chair) of any substantial interest held by the Board Member or Parole Commissioner in a business entity doing business with the Board of Criminal Justice, TDCJ, or the Board.

(2) A Board Member or Parole Commissioner having a personal or private interest in any measure, proposal, or decision pending before the Board (including parole and discretionary mandatory supervision release decisions) shall immediately notify the Chair in writing of such interest. The Chair shall publicly disclose the Board Member's or Parole Commissioner's interest to the Board in a meeting of the Board. The Board Member or Parole Commissioner shall not vote or otherwise participate in the decision. The disclosure shall be entered into the minutes or official record of the meeting.

(3) A Board Member or Parole Commissioner shall consider the possibility that they have a conflict of interest before making any decision or vote.

(4) If a Board Member or Parole Commissioner is uncertain whether any part of the conflict-of-interest policy applies to them in a specific matter, they shall request the General Counsel of the Board to determine whether a disqualifying conflict of interest exists.

(c) Section 3--Standards of Conduct.

(1) No Board Member or Parole Commissioner shall accept or solicit any gift, favor, or service that may reasonably tend to influence them in the discharge of their official duties or that they know or should know is being offered with the intent to influence their official conduct.

(2) No Board Member or Parole Commissioner shall accept employment or engage in any business or professional activity which they might reasonably expect would require or induce them to disclose confidential information acquired by reason of their official position.

(3) No Board Member or Parole Commissioner shall accept other employment or compensation that could reasonably be expected to impair their independence of judgment in the performance of their official duties.

(4) No Board Member or Parole Commissioner shall make personal investments that could reasonably be expected to create a substantial conflict between their private interest and the public interest.

(5) No Board Member or Parole Commissioner shall intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised their official powers or performed their official duties in favor of another.

(d) Section 4--Recusal and Disqualification.

(1) Recusal. A Board Member shall recuse themself from voting on all clemency matters, and a Board Member or Parole Commissioner shall recuse themself from voting on all decisions to release on parole or discretionary mandatory supervision, and decisions to continue, modify, or revoke parole or mandatory supervision when:

(A) they know that individually or as a fiduciary, they have an interest in the subject matter before them; or

(B) the Board Member or Parole Commissioner or their spouse is related by affinity or consanguinity within the third degree to a person who is the subject of the decision before them.

(2) Disqualification. A Board Member shall disqualify themself from voting on all clemency matters, and a Board Member or Parole Commissioner shall disqualify themself from voting on all decisions to release on parole or discretionary mandatory supervision, and decisions to continue, modify, or revoke parole or mandatory supervision when:

(A) their impartiality might reasonably be questioned;

(B) they have a personal bias or prejudice concerning the subject matter or person in the decision before them; or

(C) they were a complainant, a material witness, or served as counsel for the state or the defense in the prosecution of the subject of the parole decision or revocation decision before them.

(e) Section 5--Documentation.

(1) A Board Member or Parole Commissioner shall notify the Chair and General Counsel in writing when they recuse or disqualify themself from voting;

(2) A Board Member or Parole Commissioner shall provide the specific reason for disqualification or recusal;

(3) A Board Member or Parole Commissioner shall document the recusal or disqualification on the minute sheet of the offender's file; and

(4) A Board Member or Parole Commissioner shall place the written notification in the offender's file.

(f) Any written notice, signature, or documentation required by this section, including notices to the Chair and General Counsel under subsection (e) and entries on the minute sheet, may be provided or made by electronic means.

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 October 23, 2026.

TRD-202604497
Richard Gamboa
Technical Writer
Texas Board of Pardons and Paroles
Effective date: November 12, 2026
Proposal publication date: September 4, 2026
For further information, please call: (512) 406-5309

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PART 13. TEXAS COMMISSION ON FIRE PROTECTION

CHAPTER 439. EXAMINATIONS FOR CERTIFICATION

SUBCHAPTER A. EXAMINATIONS FOR ON-SITE DELIVERY TRAINING

37 TAC §439.1

The Texas Commission on Fire Protection (Commission) adopts an amendment to 37 TAC §439.1, concerning Requirements--General, without changes to the proposed text as published in the August 21, 2026, issue of the *Texas Register* (51 TexReg 5525). The rule will not be republished.

JUSTIFICATION FOR RULE ACTION

The Commission adopts this amendment to remove the subsection establishing a two-section examination structure for Basic Fire Inspector certification from §439.1. The Basic Fire Inspector examination requirements are addressed elsewhere in Commission rules. The removal of this subsection results in conforming re-lettering of existing subsections (h) through (n) to (g) through (m), with no substantive change to the text of those subsections. The amendment improves clarity and consistency in Commission rules.

HOW THE RULE WILL FUNCTION

As adopted, §439.1 no longer contains a separate two-section examination requirement for Basic Fire Inspector certification. The remaining subsections are re-lettered (g) through (m) and continue to establish the general requirements for the administration of Commission examinations for certification.

SUMMARY OF COMMENTS

The Commission did not receive any comments regarding adoption of this amendment.

STATUTORY AUTHORITY

The amendment is adopted under Texas Government Code §§419.008 and 419.032, which authorize the Commission to adopt rules for the administration of its statutory responsibilities.

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 October 20, 2026.

TRD-202604451
Mike Wisko
Agency Chief
Texas Commission on Fire Protection
Effective date: November 9, 2026
Proposal publication date: August 21, 2026
For further information, please call: (512) 936-3812

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REVIEW OF AGENCY RULES

This section contains notices of state agency rule review as directed by the Texas Government Code, §2001.039. Included here are proposed rule review notices, which invite public comment to specified rules under review; and adopted rule review notices, which summarize public comment received as part of the review. The complete text of an agency's rule being reviewed is available in the *Texas Administrative Code* on the Texas Secretary of State's website.

For questions about the content and subject matter of rules, please contact the state agency that is reviewing the rules. Questions about the website and printed copies of these notices may be directed to the *Texas Register* office.

Adopted Rule Reviews

Texas Health and Human Services Commission

Title 1, Part 15

The Texas Health and Human Services Commission (HHSC) adopts the review of the chapter below in Title 1, Part 15, of the Texas Administrative Code (TAC):

Chapter 377, Children's Advocacy Programs

Notice of the review of this chapter was published in the August 28, 2026, issue of the *Texas Register* (51 TexReg 5853) for public comment.

The 31-day comment period ended September 28, 2026. During this period, HHSC did not receive any comments regarding the proposed rule review.

HHSC has reviewed Chapter 377 in accordance with Texas Government Code §2001.039, which requires state agencies to assess, every four years, whether the initial reasons for adopting a rule continue to exist.

The agency determined that the original reasons for adopting all rules in the chapter continue to exist and readopts Chapter 377. Any amendments, if applicable, to Chapter 377 identified by HHSC in the rule review will be proposed in a future issue of the *Texas Register*.

TRD-202604480
Jessica Miller
Director, Rules Coordination Office
Texas Health and Human Services Commission
Filed: October 22, 2026

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Texas Education Agency

Title 19, Part 2

The Texas Education Agency (TEA) adopts the review of 19 TAC Chapter 149, Commissioner's Rules Concerning Educator Standards, Subchapter AA, Teacher Standards, and Subchapter BB, Administrator Standards, pursuant to Texas Government Code, §2001.039. TEA proposed the review of Chapter 149 in the July 17, 2026 issue of the *Texas Register* (51 TexReg 4705).

Relating to the review of Chapter 149, TEA finds that the reasons for adopting the rules continue to exist and readopts the rules.

TEA received one comment related to the review of Chapter 149. Following are the comment received and the corresponding response.

Comment: A Texas teacher commented that the rule does not address special education.

Response: The agency disagrees that the rule does not address special education. Section 149.2001(b)(1)(A)(i)(III) addresses diverse student populations, while §149.2001(b)(1)(B)(iii) addresses the use of data to inform instructional and intervention decisions. Together, these provisions address knowledge and practices applicable to meeting the needs of students with disabilities and other diverse student populations.

No changes are anticipated as a result of this review.

This concludes the review of Chapter 149.

TRD-202604525
Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Filed: October 26, 2026

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Department of State Health Services

Title 25, Part 1

The Texas Health and Human Services Commission (HHSC), in its own capacity and on behalf of the Texas Department of State Health Services (DSHS), adopts the review of the chapter below in Title 25, Part 1, of the Texas Administrative Code (TAC):

Chapter 13, Health Planning and Resource Development

Notice of the review of this chapter was published in the August 28, 2026, issue of the *Texas Register* (51 TexReg 5854) for public comment.

The 31-day comment period ended September 28, 2026. During this period, HHSC did not receive any comments regarding the proposed rule review.

HHSC has reviewed Chapter 13 in accordance with Texas Government Code §2001.039, which requires state agencies to assess, every four years, whether the initial reasons for adopting a rule continue to exist.

The agency determined that the original reasons for adopting all rules in the chapter continue to exist and readopts Chapter 13. Any amendments, if applicable, to Chapter 13 identified by HHSC in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes HHSC's review of 25 TAC Chapter 13 as required by Texas Government Code §2001.039.

TRD-202604535

Jessica Miller
Director, Rules Coordination Office
Department of State Health Services
Filed: October 27, 2026

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The Texas Health and Human Services Commission (HHSC), in its own capacity and on behalf of the Texas Department of State Health Services (DSHS), adopts the review of the chapter below in Title 25, Part 1, of the Texas Administrative Code (TAC):

Chapter 31, Nutrition Services

Notice of the review of this chapter was published in the August 28, 2026, issue of the *Texas Register* (51 TexReg 5854) for public comment.

The 31-day comment period ended September 28, 2026. During this period, HHSC did not receive any comments regarding the proposed rule review.

HHSC has reviewed Chapter 31 in accordance with Texas Government Code §2001.039, which requires state agencies to assess, every four years, whether the initial reasons for adopting a rule continue to exist.

The agency determined that the original reasons for adopting all rules in the chapter continue to exist and readopts Chapter 31. Any amendments, if applicable, to Chapter 31 identified by HHSC in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes HHSC's review of 25 TAC Chapter 31 as required by Texas Government Code §2001.039.

TRD-202604532
Jessica Miller
Director, Rules Coordination Office
Department of State Health Services
Filed: October 27, 2026

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The Texas Health and Human Services Commission (HHSC), in its own capacity and on behalf of the Texas Department of State Health Services (DSHS), adopts the review of the chapter below in Title 25, Part 1, of the Texas Administrative Code (TAC):

Chapter 157, Emergency Medical Care

Notice of the review of this chapter was published in the September 4, 2026, issue of the *Texas Register* (51 TexReg 6178) for public comment.

The 31-day comment period ended October 5, 2026. During this period, HHSC did not receive any comments regarding the proposed rule review.

HHSC has reviewed Chapter 157 in accordance with Texas Government Code §2001.039, which requires state agencies to assess, every four years, whether the initial reasons for adopting a rule continue to exist.

The agency determined that the original reasons for adopting all rules in the chapter continue to exist and readopts Chapter 157. Any amendments, if applicable, to Chapter 157 identified by HHSC in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes HHSC's review of 25 TAC Chapter 157 as required by Texas Government Code §2001.039.

TRD-202604533
Jessica Miller
Director, Rules Coordination Office
Department of State Health Services
Filed: October 27, 2026

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Graphic images included in rules are published separately in this tables and graphics section. Graphic images are arranged in this section in the following order: Title Number, Part Number, Chapter Number and Section Number.

Graphic images are indicated in the text of the emergency, proposed, and adopted rules by the following tag: the word "Figure" followed by the TAC citation, rule number, and the appropriate subsection, paragraph, subparagraph, and so on.

Figure: 37 TAC §145.12(4)

ACTION UPON REVIEW; VOTING OPTIONS

Parole Vote		Established Required Program
FI-1	Release the offender when eligible.	
FI-2 (Month/Year)	Release on a specified future date.	
FI-3R	Transfer to a TDCJ rehabilitation program. Release to parole only after program completion.	Changes Habits and Achieving New Goals to Empower Success (CHANGES) Cognitive Intervention Program (CIP) Strength Through Restoration, Vision and Empowerment (STRIVE) Truth, Healing, Restoration, Independence, Vision, Empowerment (THRIVE)
FI-4R (Month/Year)	Transfer to a TDCJ rehabilitation program. Release to parole only after program completion and not earlier than four months from specified date.	Sex Offender Education Program (SOEP)
FI-5	Transfer to In-Prison Therapeutic Community Program (IPTC). Release to aftercare component only after completion of IPTC program.	In-Prison Therapeutic Community Program (IPTC)
FI-6	Transfer to a DWI Program and release to a continuum of care program.	In-Prison Driving While Intoxicated Recovery Program (DWI)
FI-6R (Month/Year)	Transfer to a TDCJ rehabilitation program. Release to parole only after program completion and no earlier than six months from specified date.	Female Cognitive Pre-Release Program Pre-Release Therapeutic Community (PRTC) Substance Use Education Program (SUEP)
FI-7R (Month/Year)	Transfer to a TDCJ rehabilitation program. Release to parole only after program completion and not earlier than seven months from the specified date.	Serious and Violent Offender Reentry Initiative (SVORI)
FI-9R (Month/Year)	Transfer to a TDCJ rehabilitation program. Release to parole only after program completion and not earlier than nine months from specified date.	Sex Offender Treatment Program (9 Month) (SOTP-9).
FI-18R (Month/Year)	Transfer to a TDCJ rehabilitation treatment program. Release to parole only after program completion and no earlier than 18 months from specified date.	Sex Offender Treatment Program (18 month) (SOTP-18).

In addition to the above programs, the BPP has discretion to allow similar completed programs to satisfy the program requirement.

Figure: 37 TAC §145.13(c)

ACTION UPON REVIEW; CONSECUTIVE (CUMULATIVE) VOTING OPTIONS

CU/FI (Month/Year Cause Number)	Designate the date on which the offender serving consecutive sentences would have been eligible for release on parole if the offender had been sentenced to serve a single sentence. This date shall be within a three-year incarceration period following the panel decision.
CU/NR (Month/Year Cause Number)	Deny favorable action. The next review date (month/year) may be set at any date in the five-year incarceration period following the panel decision date, but in no event shall it be less than one calendar year from the panel decision date. If the offender is serving a sentence for an offense under Section 481.115, Health and Safety Code, involving a controlled substance listed in Penalty Group 1, or an offense under Section 481.1151, 481.116, 481.1161, 481.117, 481.118, or 481.121 of that code, the next review date (month/year) shall begin as soon as practicable after the first anniversary of the denial.
CU/SA (Month/Year Cause Number)	Deny release and order serve-all, but in no event shall this be utilized if the offender's maximum expiration date is over five (5) years from the date of the panel decision, or over one (1) year from the date of the panel decision for offenders serving a sentence for an offense under Section 481.115, Health and Safety Code, involving a controlled substance listed in Penalty Group 1, or an offense under Section 481.1151, 481.116, 481.1161, 481.117, 481.118, or 481.121 of that code.

Figure: 37 TAC §145.15(a)(2)
ACTION UPON REVIEW; EXTRAORDINARY VOTE – VOTING OPTIONS

Approval Voting Options	
FI-1	Release the offender when eligible.
FI-4R (Month/Year)	Transfer to a TDCJ rehabilitation program. Release to parole only after program completion and not earlier than four (4) months from specified date. Such TDCJ program shall be the Sex Offender Education Program (SOEP).
FI-9R (Month/Year)	Transfer to a TDCJ rehabilitation program. Release to parole only after program completion and not earlier than nine (9) months from specified date. Such TDCJ program shall be the Sex Offender Treatment Program (SOTP-9).
FI-18R (Month/Year)	Transfer to a TDCJ rehabilitation treatment program. Release to parole only after program completion and no earlier than 18 months from specified date. Such TDCJ program shall be the Sex Offender Treatment Program (SOTP-18).

Figure: 37 TAC §145.15(a)(3)

ACTION UPON REVIEW; EXTRAORDINARY VOTE – VOTING OPTIONS

Denial Voting Options	
NR (Month/Year)	For offenders convicted of or serving a sentence for a capital felony, other than a life sentence, or an offense under Sections 20A.03, 21.02, or 21.11(a)(1), Penal Code, or who are required under Section 508.145(c), Government Code to serve 35 calendar years before becoming eligible: Deny release and set the next review date for 36 or 60 months following the panel decision. For offenders convicted of or serving a sentence for a capital felony with a life sentence, who are eligible for parole, or an offense under Section 22.021, Penal Code: Deny release and set the next review date for 36, 60, 84, or 120 months following the panel decision date.
SA	For offenders convicted of or serving a sentence for a capital felony, other than a life sentence, or an offense under Sections 20A.03, 21,02, or 21.11(a)(1), Penal Code, or who are required under Section 508.145(c), Government Code to serve 35 calendar years before becoming eligible: Deny release and order serve-all if the offender is within 60 months of their minimum or maximum expiration date. For offenders convicted of or serving a sentence for a capital felony with a life sentence, who are eligible for parole, or an offense under Section 22.021, Penal Code: Deny release and order serve-all if the offender is within 120 months of their minimum or maximum expiration date.

Figure: 37 TAC §145.15(b)
ACTION UPON REVIEW; EXTRAORDINARY VOTE – VOTING OPTIONS

Consecutive Sentence Voting Options	
CU/FI (Month/Year-Cause Number)	A favorable parole action that designates the date an offender would have been released if the offender had been sentenced to serve a single sentence.
CU/NR (Month/Year-Cause Number)	For offenders convicted of or serving a sentence for a capital felony, other than a life a sentence, or an offense under Sections 20A.03, 21.02, or 21.11(a)(1), Penal Code, or who are required under Section 508.145(c), Government Code to serve 35 calendar years before becoming eligible: Deny release and set the next review date for 36 or 60 months following the panel decision date. For offenders convicted of or serving a sentence for a capital felony with a life sentence, who are eligible for parole, or an offense under Section 22.021, Penal Code: Deny release and set the next review date for 36, 60, 84, or 120 months following the panel decision date.
CU/SA (Month/Year-Cause Number)	For offenders convicted of or serving a sentence for a capital felony, other than a life sentence, or an offense under Sections 20A.03, 21.02, or 21.11(a)(1), Penal Code, or who are required under Section 508.145(c), Government Code to serve 35 calendar years before becoming eligible: Deny release and order serve-all if the offender is within 60 months of their maximum expiration date. For offenders convicted of or serving a sentence for a capital felony with a life sentence, who are eligible for parole, or an offense under Section 22.021, Penal Code: Deny release and order serve-all if the offender is within 120 months of their maximum expiration date.
Note: For the final offense in a series of consecutive sentences, the Board's decision is limited to the voting options set forth in Board Rule 145.15(a).	

Figure: 37 TAC §145.15(c)
ACTION UPON REVIEW; EXTRAORDINARY VOTE – VOTING OPTIONS

Mandatory Supervision Voting Options	
RMS	Release to mandatory supervision.
DMS (Month/Year)	Deny release to mandatory supervision and set the next mandatory supervision review date one year from the panel decision date.

Figure: 37 TAC §145.18(d)

MRIS VOTING OPTIONS

Approve MRIS	The MRIS panel shall provide reasons for the decision to approve MRIS. The MRIS panel shall vote FI-1 and impose Special Condition O.35. This condition specifies that the offender shall comply with the terms and conditions of the MRIS Program and abide by the TCOOMMI-approved release plan. At any time, this condition is in effect, the offender shall remain under the care of a physician and in a medically suitable placement.
Deny MRIS	The MRIS panel shall provide reasons for the decision to deny MRIS.

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.

Coastal Bend Workforce Development Board

Request for Proposals for Website Design & Web Application Development (RFP No. 26-01)

Workforce Solutions Coastal Bend (WFSCB) is soliciting proposals from qualified entities or individuals to design and develop a mobile-responsive, accessible website for workforce development services. The site must meet U.S. Department of Labor (DOL) accessibility guidelines, Section 508, and WCAG 2.1 AA standards to ensure equitable access for all users, including individuals with disabilities. The services requested will implement the WFSCB strategies to increase awareness and outreach efforts of services that WFSCB offers to both employers and job seekers. The goal is to deliver a highly visible, interactive and esthetically appealing website that provides up-to-date, accessible, useful and engaging content that enhances the users experience while navigating through the website while supporting the overall vision, mission, and strategic goals of the organization.

The RFP will be available on Wednesday, November 4, 2026, at 2:00 p.m. Central Time and can be accessed on our website at: https://www.workforcesolutionscb.org/about-us/procurement-opportunities/ or by contacting Imelda Trevino at imelda.trevino@workforcesolutionscb.org.

Interested parties are encouraged to attend a Pre-Proposal meeting at WFSCB's Administrative Offices located at 400 Mann Street, Suite 800, Corpus Christi, Texas 78401, Main Conference Room on Tuesday, November 10, 2026, at 10:00 a.m. Central Time. The purpose of the meeting is to review the RFP requirements and answer any questions related to the RFP. While this meeting is not mandatory, attendance is strongly recommended. Parties unable to attend in person may participate virtually from a computer, tablet, or smart phone via Zoom:

Join Zoom Meeting

https://us02web.zoom.us/j/89638340415?pwd=6ksZQheMdLYmWqiGxbxlaaq3Nxbqrk.1

US Toll-Free Call In: 888 475 4499

Meeting ID: 896 3834 0415

Passcode: 095589

Proposals are due by Monday, November 30, 2026, at 4:00 p.m. Central Time and may be submitted via email to imelda.trevino@workforcesolutionscb.org or hand delivered or mailed to: Workforce Solutions Coastal Bend, 400 Mann Street, Suite 800, Corpus Christi, Texas 78401.

Workforce Solutions of the Coastal Bend is an Equal Opportunity Employer/Program. Auxiliary aids and services are available upon request to individuals with disabilities. Relay Texas: (800) 735-2989 (TDD) and (800) 735-2988 or 711 (Voice). Historically Underutilized Businesses (HUBs) are encouraged to apply.

This document contains vital information about requirements, rights, determinations, and/or responsibilities for accessing workforce system services. Language services, including the interpretation/translation of this document, are available free of charge upon request.

Este documento contiene información importante sobre los requisitos, los derechos, las determinaciones y las responsabilidades del acceso a los servicios del sistema de la fuerza laboral. Hay disponibles servicios de idioma, incluida la interpretación y la traducción de documentos, sin ningún costo y a solicitud.

Tài liệu này có thông tin quan trọng về các yêu cầu, quyền hạn, quyết định, và/hoặc trách nhiệm để sử dụng các dịch vụ của hệ thống nhân lực. Các dịch vụ trợ giúp ngôn ngữ, bao gồm thông dịch/chuyển ngữ tài liệu này, có sẵn miễn phí khi quý vị yêu cầu.

TRD-202604529
Imelda Trevino
Contracts & Procurement Manager
Coastal Bend Workforce Development Board
Filed: October 26, 2026

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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 **December 10, 2026**. TWC, §7.075 also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A physical copy of each proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building C, 1st Floor, Austin, Texas 78753, (512) 239-2545 and at the applicable regional office listed as follows. Additionally, copies of the proposed AO can be found online by using either the Chief Clerk's eFiling System at https://www.tceq.texas.gov/goto/efilings or the TCEQ Commissioners' Integrated Database at https://www.tceq.texas.gov/goto/cid, and searching either of those databases with the proposed AO's identifying information, such as its docket number. Written comments about an AO should be sent to the enforcement coordinator designated for each AO at the commission's central office at Enforcement Division, MC 128, P.O. Box 13087, Austin, Texas 78711-3087 and must be postmarked by 5:00 p.m. on **December 10, 2026**. Written comments may also be sent to the enforcement coordinator by email to ENFCOMNT@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: Alike Inc.; DOCKET NUMBER: 2025-1725-PST-E; IDENTIFIER: RN102487568; LOCATION: Dallas, Dallas County; TYPE OF FACILITY: convenience store with retail sales of gasoline; PENALTY: $17,220; ENFORCEMENT COORDINATOR: Rachel Murray, (903) 535-5149; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, REGION 5 - TYLER.

(2) COMPANY: Aqua Texas, Inc.; DOCKET NUMBER: 2025-1828-MWD-E; IDENTIFIER: RN101518926; LOCATION: Granite Shoals, Burnet County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $49,500; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $24,750; ENFORCEMENT COORDINATOR: Hannah Moreno, (512) 239-2509; REGIONAL OFFICE: 401 East Franklin Avenue, Suite 560, El Paso, Texas 79901-1212, REGION 6 - EL PASO.

(3) COMPANY: CSWR-TEXAS UTILITY OPERATING COMPANY, LLC; DOCKET NUMBER: 2026-1032-PWS-E; IDENTIFIER: RN101241560; LOCATION: Lubbock, Lubbock County; TYPE OF FACILITY: public water supply; PENALTY: $3,745; ENFORCEMENT COORDINATOR: Emerson Rinewalt, (512) 239-1131; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(4) COMPANY: City of Bogata; DOCKET NUMBER: 2024-1805-MWD-E; IDENTIFIER: RN101721157; LOCATION: Bogata, Red River County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $15,187; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $12,150; ENFORCEMENT COORDINATOR: Samantha Smith, (512) 239-2099; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(5) COMPANY: City of Pasadena; DOCKET NUMBER: 2024-0118-MWD-E; IDENTIFIER: RN101609774; LOCATION: Pasadena, Harris County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $153,125; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $153,125; ENFORCEMENT COORDINATOR: Kadrienn Woodard, (713) 767-3602; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(6) COMPANY: Cottonwood Creek MHP, L.P.; DOCKET NUMBER: 2026-0738-MLM-E; IDENTIFIER: RN101442259; LOCATION: Lancaster, Dallas County; TYPE OF FACILITY: public water supply; PENALTY: $6,456; ENFORCEMENT COORDINATOR: Emerson Rinewalt, (512) 239-1131; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(7) COMPANY: EL PASO INDEPENDENT SCHOOL DISTRICT; DOCKET NUMBER: 2026-0452-PST-E; IDENTIFIER: RN102523354; LOCATION: El Paso, El Paso County; TYPE OF FACILITY: underground storage tank system; PENALTY: $5,750; ENFORCEMENT COORDINATOR: Jocelyn Cruz, (512) 239-4672; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(8) COMPANY: EL PASO INDEPENDENT SCHOOL DISTRICT; DOCKET NUMBER: 2026-0453-PST-E; IDENTIFIER: RN103102869; LOCATION: El Paso, El Paso County; TYPE OF FACILITY: underground storage tank system; PENALTY: $5,750; ENFORCEMENT COORDINATOR: Jocelyn Cruz, (512) 239-4672; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(9) COMPANY: Hill Country Telephone Cooperative, Inc.; DOCKET NUMBER: 2026-1107-PST-E; IDENTIFIER: RN101447340; LOCATION: Ingram, Kerr County; TYPE OF FACILITY: underground storage tank system; PENALTY: $1,875; ENFORCEMENT COORDINATOR: Sarah Kalainoff, (512) 239-4631; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(10) COMPANY: Houston YZC Inc; DOCKET NUMBER: 2024-1362-PST-E; IDENTIFIER: RN102028974; LOCATION: Houston, Harris County; TYPE OF FACILITY: convenience store with retail sales of gasoline; PENALTY: $9,963; ENFORCEMENT COORDINATOR: Stephanie McCurley, (512) 239-2607; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(11) COMPANY: Hudspeth County; DOCKET NUMBER: 2025-1913-MSW-E; IDENTIFIER: RN100627660; LOCATION: Dell City, Hudspeth County; TYPE OF FACILITY: landfill; PENALTY: $13,739; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $10,992; ENFORCEMENT COORDINATOR: Ramyia Wendt, (512) 239-2513; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(12) COMPANY: JMT ADVENTURES LLC; DOCKET NUMBER: 2026-0604-WR-E; IDENTIFIER: RN112322599; LOCATION: Millsap, Parker County; TYPE OF FACILITY: all-terrain off-road adventure park; PENALTY: $1,000; ENFORCEMENT COORDINATOR: Alejandra Basave, (512) 239-4168; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(13) COMPANY: Kendrick Oil Co.; DOCKET NUMBER: 2026-0836-PWS-E; IDENTIFIER: RN101259307; LOCATION: Lubbock, Lubbock County; TYPE OF FACILITY: public water supply; PENALTY: $1,050; ENFORCEMENT COORDINATOR: Ronica Rodriguez, (512) 239-2510; REGIONAL OFFICE: 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas 78401, REGION 14 - CORPUS CHRISTI.

(14) COMPANY: Pasadena Refining System, Inc.; DOCKET NUMBER: 2026-0483-AIR-E; IDENTIFIER: RN100716661; LOCATION: Pasadena, Harris County; TYPE OF FACILITY: petroleum refinery; PENALTY: $12,750; ENFORCEMENT COORDINATOR: Christina Ferrara, (512) 239-5081; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(15) COMPANY: QYK Brands LLC; DOCKET NUMBER: 2026-0619-WQ-E; IDENTIFIER: RN112227525; LOCATION: Liberty, Liberty County; TYPE OF FACILITY: construction site; PENALTY: $7,500; ENFORCEMENT COORDINATOR: Logan Thompson, (512) 239-4576; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(16) COMPANY: R.A.M Food Mart Inc.; DOCKET NUMBER: 2023-0937-PST-E; IDENTIFIER: RN102469012; LOCATION: San Antonio, Bexar County; TYPE OF FACILITY: convenience store with retail sales of gasoline; PENALTY: $19,194; ENFORCEMENT COORDINATOR: Rachel Murray, (903) 535-5149; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, REGION 5 - TYLER.

(17) COMPANY: Shell Chemical LP; DOCKET NUMBER: 2026-0864-AIR-E; IDENTIFIER: RN100211879; LOCATION: Deer Park, Harris County; TYPE OF FACILITY: chemical manufacturing plant; PENALTY: $13,125; ENFORCEMENT COORDINATOR: John Burkett, (512) 239-4169; REGIONAL OFFICE: 5425 Polk

Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(18) COMPANY: Texas Department of Transportation; DOCKET NUMBER: 2026-0844-MWD-E; IDENTIFIER: RN106479983; LOCATION: Richland, Navarro County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $3,938; ENFORCEMENT COORDINATOR: Samantha Smith, (512) 239-2099; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(19) COMPANY: Texas Water Utilities, L.P.; DOCKET NUMBER: 2026-0903-PWS-E; IDENTIFIER: RN101459246; LOCATION: Bulverde, Comal County; TYPE OF FACILITY: public water supply; PENALTY: $50; ENFORCEMENT COORDINATOR: Emerson Rinewalt, (512) 239-1131; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(20) COMPANY: Williams Brothers Construction Co., Inc.; DOCKET NUMBER: 2026-0612-EAQ-E; IDENTIFIER: RN105325518; LOCATION: Mico, Medina County; TYPE OF FACILITY: asphalt and concrete production plant; PENALTY: $27,000; ENFORCEMENT COORDINATOR: Monica Larina, (512) 239-2545; REGIONAL OFFICE: 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas 78401, REGION 14 - CORPUS CHRISTI.

TRD-202604534
Gitanjali Yadav
Deputy Director, Litigation Division
Texas Commission on Environmental Quality
Filed: October 27, 2026

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Enforcement Orders

An agreed order was adopted regarding Efrain Torres, Docket No. 2022-1148-MSW-E on October 27, 2026 assessing $3,750 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Laney Foeller, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Rick Fidler, Docket No. 2023-1353-MSW-E on October 27, 2026 assessing $3,375 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Marilyn Norrod, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Jonathan Kulak, Docket No. 2024-0740-AIR-E on October 27, 2026 assessing $11,250 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Marilyn Norrod, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding La Joya Independent School District, Docket No. 2024-0876-MWD-E on October 27, 2026 assessing $5,000 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Jun Zhang, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-202604552
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: October 28, 2026

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Notice of District Petition - D-09252026-036

Notice issued October 28, 2026

TCEQ Internal Control No. D-09252026-036: Tranquil Spring GP Corporation, a Texas corporation, General Partner of Burnaby Properties Limited, a Texas limited partnership, (Petitioner), filed a petition for creation of Liberty County Municipal Utility District No. 20 (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 a majority in value of the land to be included in the proposed District; (2) there are no lienholders on the property to be included in the proposed District; (3) the proposed District will contain approximately 562 acres located wholly within Liberty County, Texas; and (4) the proposed District is entirely outside the corporate limits or extraterritorial jurisdiction of any city or town. The petition further states the proposed District will: (1) purchase, construct, acquire, improve, extend, maintain, and operate a waterworks and sanitary sewer system for domestic and commercial purposes, (2) purchase, 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, and to control, abate and amend local storm waters or other harmful excesses of water, and (3) purchase interests in land and purchase, construct, acquire, improve, extend, maintain, and operate improvements, facilities and equipment to provide recreational facilities. Pursuant to Section 54.234, Texas Water Code, as amended, the District may also exercise road powers and authority pursuant to applicable law, and pursuant to applicable law, the District may also establish, finance, provide, operate, and maintain a fire department and/or fire-fighting services ("Fire-fighting Facilities") within the District. 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 $127,290,000 ($100,000,000 for water, sewer, and drainage facilities, $3,275,000 for recreational facilities, and $24,015,000 for road facilities).

INFORMATION SECTION

To view the complete issued notice, view the notice on our website at www.tceq.texas.gov/agency/cc/pub_notice.html or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the website, type in the issued date range shown at the top of this document to obtain search results. The TCEQ may grant a contested case hearing on the petition if a written hearing request is filed within 30 days after the newspaper publication of the notice. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below. The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be

a legal proceeding similar to a civil trial in state district court. Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Review Team, at (512) 239-4691. Si desea información en español, puede llamar al (512) 239-0200. General information regarding TCEQ can be found at our website at www.tceq.texas.gov.

TRD-202604550
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: October 28, 2026

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Notice of Opportunity to Comment on a Default Order of Administrative Enforcement Actions

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Default Order (DO). The commission staff proposes a DO when the staff has sent the Executive Director's Preliminary Report and Petition (EDPRP) to an entity outlining the alleged violations; the proposed penalty; the proposed technical requirements necessary to bring the entity back into compliance; and the entity fails to request a hearing on the matter within 20 days of its receipt of the EDPRP or requests a hearing and fails to participate at the hearing. Similar to the procedure followed with respect to Agreed Orders entered into by the executive director of the commission, in accordance with Texas Water Code (TWC), §7.075, this notice of the proposed order and the opportunity to comment is published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **December 10, 2026**. The commission will consider any written comments received, and the commission may withdraw or withhold approval of a DO if a comment discloses facts or considerations that indicate that consent to the proposed DO is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction, or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed DO is not required to be published if those changes are made in response to written comments.

A copy of the proposed DO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable regional office listed as follows. Additionally, copies of the DO can be found online by using either the Chief Clerk's eFiling System at https://www.tceq.texas.gov/goto/efilings or the TCEQ Commissioners' Integrated Database at https://www.tceq.texas.gov/goto/cid, and searching either of those databases with the proposed DO's identifying information, such as its docket number. Written comments about the DO should be sent to the attorney designated for the DO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on December 10, 2026**. The commission's attorneys are available to discuss the DO and/or the comment procedure at the listed phone number; however, TWC, §7.075, provides that comments on the DO shall be submitted to the commission in **writing**.

(1) COMPANY: Henry Valencia; DOCKET NUMBER: 2024-0546-MSW-E; TCEQ ID NUMBER: RN111772984; LOCATION: 440 United States Highway 84 East, Goldthwaite, Mills County; TYPE OF FACILITY: an unauthorized municipal solid waste disposal site; PENALTY: $3,937; STAFF ATTORNEY: William Hogan, Litigation, MC 175, (512) 239-5918; REGIONAL OFFICE: Waco Regional Office, 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

TRD-202604538
Gitanjali Yadav
Deputy Director, Litigation
Texas Commission on Environmental Quality
Filed: October 27, 2026

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Update to the Water Quality Management Plan (WQMP)

The Texas Commission on Environmental Quality (TCEQ or commission) requests comments from the public on the draft October 2026 Update to the WQMP for the State of Texas.

Download the draft October 2026 WQMP Update at *https://www.tceq.texas.gov/permitting/wqmp/WQmanagement_updates.html* or view a printed copy at the TCEQ Library, Building A, 12100 Park 35 Circle, Austin, Texas.

The WQMP is developed and promulgated in accordance with the requirements of the federal Clean Water Act, Section 208. The draft update includes projected effluent limits of specific treated domestic wastewater dischargers, which may be useful for planning in future permit actions. The draft update may also contain service area populations for listed wastewater treatment facilities, designated management agency information, and total maximum daily load (TMDL) revisions.

Once the commission certifies a WQMP update, it is submitted to the United States Environmental Protection Agency (EPA) for approval. For some Texas Pollutant Discharge Elimination System (TPDES) permits, the EPA's approval of a corresponding WQMP update is a necessary precondition to TPDES permit issuance by the commission.

Deadline

All comments must be received at the TCEQ no later than **5:00 p.m. on December 10, 2026.**

How to Submit Comments

Comments must be submitted in writing to:

Gregg Easley

Texas Commission on Environmental Quality

Water Quality Division, MC 148

P.O. Box 13087

Austin, Texas 78711-3087

Comments may also be faxed to (512) 239-4430 ***or*** emailed to Gregg Easley at *Gregg.Easley@tceq.texas.gov* but must be followed up with written comments by mail within five working days of the fax or email date or by the comment deadline, whichever is sooner.

If you need translation services, please contact TCEQ at (800) 687-4040. Si desea información general en español, puede llamar al (800) 687-4040.

For further information, or questions, please contact Mr. Easley at (512) 239-4539 or by email at *Gregg.Easley@tceq.texas.gov.*

TRD-202604546

Amy L. Browning
Deputy Director, Environmental Law Division
Texas Commission on Environmental Quality
Filed: October 28, 2026

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General Land Office

Notice and Opportunity to Comment on Requests for Consistency Agreement/Concurrence Under the Texas Coastal Management Program

On January 10, 1997, the State of Texas received federal approval of the Coastal Management Program (CMP) (62 *Federal Register* pp. 1439 - 1440). Under federal law, federal agency activities and actions affecting the Texas coastal zone must be consistent with the CMP goals and policies identified in 31 TAC Chapter 26. Requests for federal consistency review were deemed administratively complete for the following project(s) during the period of October 5, 2026 to October 23, 2026. As required by federal law, the public is given an opportunity to comment on the consistency of proposed activities in the coastal zone undertaken or authorized by federal agencies. Pursuant to 31 TAC §§30.20(f), 30.30(h), and 30.40(e), the public comment period extends 30 days from the date published on the Texas General Land Office web site. The notice was published on the web site on Friday, October 30, 2026. The public comment period for this project will close at 5:00 p.m. on Sunday, November 29, 2026.

Federal License and Permit Activities:

Applicant: Port of Galveston

Location: The project site is located in the Galveston Ship Channel, at multiple locations between Galveston Island and Pelican Island, in Galveston County, Texas.

Latitude and Longitude: 29.31294, -94.79648

Project Description: The applicant is requesting to modify Department of the Army (DA) Permit SWG-2011-00162. The modification includes a proposed 5-year extension of time for previously authorized work that has not been completed and the addition of new work. Proposed new work is associated with construction of an LNG bunkering and lay berth facility, construction of Cruise Terminal 14, and modifications to Pier 18 and Pier 21 Marina. The applicant is also requesting the continuation of maintenance dredging. The project is intended to provide ongoing improvements for Port of Galveston facilities, including activities necessary to increase cruise terminal capacity and expand shipyard facilities.

The following previously authorized activities require an extension of time to complete:

- Close and backfill slips 12-14, 14-15, 36-37, and 40-41 (fill only)

- Dredge Gulf Copper dry dock basin to -90 mean lower low water (MLLW)

- Remove Pier B at Gulf Copper

The following new work is proposed for the Pelican Island LNG Bunkering and Lay Berth Facility (structural footprint = 0.9 acre; dredging footprint = 4.4 acres):

- Install pile-supported concrete wharf deck using 182, 24-inch concrete piles

- Install four 20-foot by 16-foot dolphins using 16, 42-inch steel piles

- Install four 150-foot catwalks between the dolphins

- Install a 50-foot by 33-foot pile-supported concrete ramp with sheet pile wall

Dredge approximately 216,700 cubic yards of material from an approximate 4.4-acre area to -36 MLLW.

The following new work is proposed for Cruise Terminal 14 and 16 (structural footprint = 0.6 acre):

- Remove one existing dolphin at Pier 15

- Install deck extension using 33, 36-inch steel pipe piles at Pier 18

- Remove riprap and dredge approximately 7,620 cubic yards of material from an approximate 0.4-acre area to -15 MLLW

- Remove existing access pier and slips at Pier 21

- Install access pier using 37, 12-foot by 12-foot concrete piles

- Install steel museum access walkway using 24, 24-inch steel pipe piles

- Relocate fuel dock

The following new work is proposed for Gulf Copper shipyard facilities (structural footprint = 0.84 acres; fill discharge = 3.65 acres; dredging footprints = 25 acres):

- Dredge approximately 200,000 cubic yards of material from Berth Area C-D to -60 MLLW

- Dredge approximately 330,000 cubic yards of material from Berth Area D to -58 MLLW

- Install a 2,650-long steel bulkhead with tieback and deadman support and permanent discharge of clean structural backfill into 3.65-acre of open water

- Install a pile-supported shiplift system with finger piers and a transfer bridge, impacting 0.84-acre open water

The applicant also requests to continue Port-wide hydraulic or mechanical maintenance dredging activities, as needed, and proposes the addition of bed leveling and silt blading. Maintenance dredging would continue to impact up to 122 acres of waters previously authorized to be dredged. New work dredged material and maintenance dredged material would be placed in Pelican Island Disposal Areas A, B, C, the Todd Disposal Area, and/or Fort San Jacinto Disposal Area.

The applicant has stated that they have avoided and minimized environmental impacts to waters of the United States associated with the proposed activity by avoiding impacts to wetlands and minimizing the project footprint to the maximum extent practicable. Material removed during construction will be stored on the applicant's property and disposed of in accordance with best management practices. A work platform or barge and safety netting will be utilized below the construction area to prevent falling debris from entering the water. In-water work will include installation of turbidity curtains to mitigate impacts to waters. Upland work will include silt fencing to prevent stormwater runoff. The applicant has not proposed compensatory mitigation because the proposed project impacts a previously disturbed, industrial area.

Type of Application: U.S. Army Corps of Engineers permit application # SWG-2011-00162. This application will be reviewed pursuant Section 404 of the Clean Water Act and Sections 10 and 14 of the Rivers and Harbors Act of 1899. Note: The consistency review for this project may be conducted by The Texas Commission on Environmental Quality as part of its certification under §401 of the Clean Water Act.

CMP Project No: 27-1023-F1

Further information on the applications listed above, including a copy of the consistency certifications or consistency determinations for in-

spection, may be obtained from the Texas General Land Office Public Information Officer at 1700 N. Congress Avenue, Austin, Texas 78701, or via email at pialegal@glo.texas.gov. Comments should be sent to the Texas General Land Office Coastal Management Program Coordinator at the above address or via email at federal.consistency@glo.texas.gov.

TRD-202604539
Jennifer Jones
Chief Clerk and Deputy Land Commissioner
General Land Office
Filed: October 27, 2026

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Texas Health and Human Services Commission

Notice of Public Hearing on Proposed Updates to Medicaid and Non-Medicaid Payment Rates

This is a corrected notice. The original notice was published in the October 23, 2026 edition of the *Texas Register* with Department of State Health Services notices.

The Texas Health and Human Services Commission (HHSC) will conduct a public hearing on November 20, 2026, at 9:00 a.m., to receive public comments on proposed updates to Calendar Fee Review, Medical Policy Review, Quarterly HCPCS Updates, Special Review Updates, and Long-Term Services and Supports (LTSS) Updates.

This hearing will be conducted as an in-person and online event. To join the hearing from your computer, tablet, or smartphone, register for the hearing in advance using the following link:

Registration URL:

https://attendee.gotowebinar.com/register/8054610326404374622

After registering, you will receive a confirmation email containing information about joining the webinar. Instructions for dialing-in by phone will be provided after you register.

Members of the public may attend the rate hearing in person, which will be held in the Public Hearing Room M-100 in the Robert D. Moreton Building located at 1100 West 49th Street, Austin, Texas, or they may access a live stream of the meeting at https://hhs.texas.gov/about-hhs/communications-events/live-archived-meetings. For the live stream, select the "Moreton M-100 Live" tab. A recording of the hearing will be archived and accessible on demand at https://www.hhs.texas.gov/about/live-archived-meetings under the "Archived" tab. The hearing will be held in compliance with Texas Human Resources Code section 32.0282, which requires public notice of and hearings on proposed Medicaid reimbursements.

If attending the public hearing in person, visitor parking for the Robert D. Moreton building can be found on the 2nd and higher floors of state parking garage H. This garage is located just southeast of the Robert D. Moreton building and west of the Brown-Heatly building.

Any updates to the hearing details will be posted on the HHSC website at https://www.hhs.texas.gov/about/meetings-events.

Proposal. The effective date of the proposed payment rates for the topics presented during the rate hearing will be as follows:

Effective July 1, 2026

Long-Term Services and Supports (LTSS)

-Non-Medical Transportation (NMT) rates for the Youth Empowerment Services (YES) and Home and Community-Based Services - Adult Mental Health Program (HCBS-AMH) Programs

Special Review

-Medical Transportation Program (MTP) / Individual Transportation Participant (ITP)

Effective October 1, 2026

Medical Policy

-Health and Behavior Assessment and Intervention (HBAI) Clean-up: 96170 & 96171

Effective January 1, 2027

Long-Term Services and Supports (LTSS)

-Employment services rates for YES and HCBS-AMH waiver programs

Effective March 1, 2027

Calendar Fee Review

-Anesthesia

-Ambulatory Surgical Center - Hospital-based Ambulatory Surgical Center

-Ambulatory Surgical Center - Hospital-based Ambulatory Surgical Center Not Covered by Medicare

-Birthing Centers

-Clinical Diagnostic Labs

-Clinical Diagnostic Labs - Gapfill

-General and Integumentary System Surgery

-Nervous System Surgery

-Ophthalmological Services

-Physician Administered Drugs - NDCX

-Physician Administered Drugs - Non-Oncology

-Physician Administered Drugs - Oncology

-Physician Administered Drugs - Vaccines & Toxoids

-Respiratory Therapist

Quarterly HCPCS Updates

-Q1 HCPCS Drugs

-Q1 HCPCS TOS 1 Non-Drugs

-Q1 HCPCS TOS 2

-Q1 HCPCS TOS 5 (Clinical Lab)

-Q1 HCPCS TOS 9

-Q1 HCPCS TOS F (ASC)

-Q2 HCPCS Drugs

-Q2 HCPCS TOS 2

Special Review

-Peer Specialist - TOS 3

-Blind Children's Program

Methodology and Justification. The proposed payment rates were calculated in accordance with Title 1 of the Texas Administrative Code:

Section 355.8023 - Reimbursement Methodology for Durable Medical Equipment, Prosthetics, Orthotics and Supplies (DMEPOS);

Section 355.8061 - Outpatient Hospital Reimbursement;

Section 355.8085 - Reimbursement Methodology for Physicians and Other Practitioners;

Section 355.8089 - In-home Respiratory Therapy Services for Ventilator-Dependent Persons;

Section 355.8121 - Reimbursement to Ambulatory Surgical Centers (ASCs);

Section 355.8181 - Birthing Center Reimbursement ;

Section 355.8221 - Reimbursement Methodology [for a Certified Registered Nurse Anesthetist (CRNA)];

Section 355.8441 - Reimbursement Methodologies for Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Services (also known as Texas Health Steps);

Section 355.8610 - Reimbursement for Clinical Laboratory Services;

Section 355.9060 - Reimbursement Methodology for the Youth Empowerment Services Waiver Program; and

Section 355.9070 - Reimbursement Methodology for Home and Community-Based Services - Adult Mental Health Program.

Rate Hearing Packet. A briefing packet describing the proposed payment rates will be made available at https://pfd.hhs.texas.gov/rate-packets on or before November 9, 2026. Interested parties may obtain a copy of the briefing packet on or after that date by contacting Provider Finance by telephone at (512) 730-7401; by fax at (512) 730-7475; or by e-mail at PFDAcuteCare@hhs.texas.gov.

Written Comments. Written comments regarding the proposed payment rates may be submitted in lieu of, or in addition to, oral testimony until 5:00 p.m. the day of the hearing. Written comments may be sent by U.S. mail to the Texas Health and Human Services Commission, Attention: Provider Finance, Mail Code H-400, P.O. Box 149030, Austin, Texas 78714-9030; by fax to Provider Finance at (512) 730-7475; or by e-mail to PFDAcuteCare@hhs.texas.gov. In addition, written comments may be sent by overnight mail to Texas Health and Human Services Commission, Attention: Provider Finance, Mail Code H-400, North Austin Complex, 4601 Guadalupe St, Austin, Texas 78751.

Preferred Communication. For quickest response please use e-mail or phone if possible for communication with HHSC related to this rate hearing.

Persons with disabilities who wish to participate in the hearing and require auxiliary aids or services should contact Provider Finance at (512) 730-7401 at least 72 hours before the hearing so appropriate arrangements can be made.

TRD-202604542
Nycia Deal
Chief Counsel
Texas Health and Human Services Commission
Filed: October 28, 2026

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Texas Department of Insurance

Company Licensing

Application for Individual Assurance Company, Life, Health & Accident, a foreign life, health and/or accident company, to change its name to Alpha National Life Insurance Company. The home office is in Oklahoma City, Oklahoma.

Application for Fortitude U.S. Reinsurance Company, a foreign life, health and/or accident company, to change its name to Fortitude Insurance Company. The home office is in Phoenix, Arizona.

Application for incorporation in the state of Texas for Dallas Specialty Excess & Surplus Insurance Company, a domestic fire and/or casualty company. The home office is in Dallas, Texas.

TRD-202604548
Justin Beam
Chief Clerk
Texas Department of Insurance
Filed: October 28, 2026

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Texas Department of Licensing and Regulation

Scratch Ticket Game Number 2734 "500X"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2734 is "500X". The play style is "key number match".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2734 shall be $50.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2734.

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

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

C. Play Symbol - The printed data under the latex on the front of the Scratch Ticket that is used to determine eligibility for a prize. Each Play Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black Play Symbols are: 01, 03, 04, 06, 07, 08, 09, 11, 12, 13, 14, 15, 16, 17, 18, 19, 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, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 2X SYMBOL, 5X SYMBOL, 10X SYMBOL, 20X SYMBOL, 50X SYMBOL, 500X SYMBOL, $50.00, $100, $150, $250, $500, $2,000, $25,000 and $2,000,000.

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

Figure 1: GAME NO. 2734 - 1.2D

PLAY SYMBOL	CAPTION
01	ONE
03	THR
04	FOR
06	SIX
07	SVN
08	EGT
09	NIN
11	ELV
12	TLV
13	TRN
14	FTN
15	FFN
16	SXN
17	SVT
18	ETN
19	NTN
21	TWON
22	TWTO
23	TWTH
24	TWFR
25	TWFV
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
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
80	ETTY
2X SYMBOL	DBL
5X SYMBOL	WINX5
10X SYMBOL	WINX10
20X SYMBOL	WINX20
50X SYMBOL	WINX50
500X SYMBOL	WINX500
$50.00	FFTY$
$100	ONHN
$150	ONFF
$250	TOFF
$500	FVHN
$2,000	TOTH
$25,000	25TH
$2,000,000	TPPZ

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

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

G. Game-Pack-Ticket Number - A fourteen (14) digit number consisting of the four (4) digit game number (2734), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 020 within each Pack. The format will be: 2734-0000001-001.

H. Pack - A Pack of the "500X" Scratch Ticket Game contains 020 Tickets, packed in plastic shrink-wrapping and fanfolded in pages of one (1). Ticket backs 001 and 020 will both be exposed.

I. Non-Winning Scratch Ticket - A Scratch Ticket which is not programmed to be a winning Scratch Ticket or a Scratch Ticket that does not meet all of the requirements of these Game Procedures, the State Lottery Act (Texas Government Code, Chapter 466), and applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 140.

J. Scratch Ticket Game, Scratch Ticket or Ticket - Texas Lottery "500X" Scratch Ticket Game No. 2734.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general Scratch Ticket validation requirements set forth in Texas Lottery Rule 140.302, Scratch Ticket Game Rules, these Game Procedures, and the requirements set out on the back of each Scratch Ticket. A prize winner in the "500X" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose eighty-two (82) Play Symbols. BONUS PLAY INSTRUCTIONS: If the player reveals 2 matching prize amounts in the same BONUS play area, the player wins that amount. 500X PLAY INSTRUCTIONS: 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 "2X" Play Symbol, the player wins DOUBLE the PRIZE for that symbol. If the player reveals a "5X" Play Symbol, the player wins 5 TIMES the PRIZE for that symbol. If the player reveals a "10X" Play Symbol, the player wins 10 TIMES the PRIZE for that symbol. If the player reveals a "20X" Play Symbol, the player wins 20 TIMES the PRIZE for that symbol. If the player reveals a "50X" Play Symbol, the player wins 50 TIMES the PRIZE for that symbol. If the player reveals a "500X" Play Symbol, the player wins 500 TIMES the PRIZE for that symbol. No portion of the Display Printing nor any extraneous matter whatsoever shall be usable or playable as a part of the Scratch Ticket.

2.1 Scratch Ticket Validation Requirements.

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

1. Exactly eighty-two (82) Play Symbols must appear under the Latex Overprint on the front portion of the Scratch Ticket;

2. Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption;

3. Each of the Play Symbols must be present in its entirety and be fully legible;

4. Each of the Play Symbols must be printed in black ink except for dual image games;

5. The Scratch Ticket shall be intact;

6. The Serial Number and Game-Pack-Ticket Number must be present in their entirety and be fully legible;

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

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

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

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

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

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

13. The Scratch Ticket must be complete and not miscut, and have exactly eighty-two (82) Play Symbols under the Latex Overprint on the front portion of the Scratch Ticket, exactly one Serial Number and exactly one Game-Pack-Ticket Number on the Scratch Ticket;

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

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

16. Each of the eighty-two (82) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the eighty-two (82) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Game-Pack-Ticket Number must be printed in the Game-Pack-Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;

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

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

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

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

2.2 Programmed Game Parameters.

A. GENERAL: A Ticket can win up to thirty-eight (38) times in accordance with the prize structure.

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

C. KEY NUMBER MATCH: Each Ticket will have six (6) different WINNING NUMBERS Play Symbols.

D. KEY NUMBER MATCH: Non-winning YOUR NUMBERS Play Symbols will all be different.

E. KEY NUMBER MATCH: Identical non-winning Prize Symbols will never appear more than seven (7) times.

F. KEY NUMBER MATCH: The top Prize Symbol will appear on every Ticket, unless restricted by other parameters, play action or prize structure.

G. KEY NUMBER MATCH: The "2X" (DBL), "5X" (WINX5), "10X" (WINX10), "20X" (WINX20), "50X" (WINX50) and "500X" (WINX500) Play Symbols will never appear in the WINNING NUMBERS or BONUS Play Symbol spots.

H. KEY NUMBER MATCH: The "2X" (DBL), "5X" (WINX5), "10X" (WINX10), "20X" (WINX20), "50X" (WINX50) and "500X" (WINX500) Play Symbols will only appear on winning Tickets as dictated by the prize structure.

I. KEY NUMBER MATCH: Non-winning Prize Symbol(s) will never be the same as the winning Prize Symbol(s).

J. BONUS: Identical Prize Symbols will only appear in a winning BONUS play area as dictated by the prize structure.

K. BONUS: A Ticket will not have identical non-winning Prize Symbols across the three (3) BONUS play areas.

L. BONUS: Non-winning "BONUS" Prize Symbols will never be the same as the winning "BONUS" Prize Symbols.

M. BONUS: The BONUS play areas will only win when there is also a win in the 500X play area, as per the prize structure.

2.3 Procedure for Claiming Prizes.

A. To claim a "500X" Scratch Ticket Game prize of $50.00, $100, $150, $250 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, $150, $250 or $500 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied, and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

B. To claim a "500X" Scratch Ticket Game prize of $2,000, $25,000 or $2,000,000, 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 "500X" 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 Taxpayer Identification (for U.S. Citizens or Resident Aliens). Mail all to: Texas Lottery, P.O. Box 16600, Austin, Texas 78761-6600. The Texas Lottery is not responsible for Scratch Tickets lost in the mail. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied, and the claimant shall be notified promptly.

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

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

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

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

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

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

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

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

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

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

D. if the claim is subject to any deduction from the payment otherwise due, as described in Section 2.3.D of these Game Procedures. No liability for interest for any delay shall accrue to the benefit of the claimant pending payment of the claim.

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

2.6 If a person under the age of 18 years is entitled to a cash prize of $600 or more from the "500X" 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 5,520,000 Scratch Tickets in Scratch Ticket Game No. 2734. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2734 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
$50.00	552,000	10.00
$100	483,000	11.43
$150	345,000	16.00
$250	163,760	33.71
$500	73,600	75.00
$2,000	690	8,000.00
$25,000	20	276,000.00
$2,000,000	4	1,380,000.00

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

**The overall odds of winning a prize are 1 in 3.41. The individual odds of winning for a particular prize level may vary based on sales, distribution, testing, and number of prizes claimed.

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

5.0 End of the Scratch Ticket Game. The Executive Director may, at any time, announce a closing date (end date) for the Scratch Ticket Game No. 2734 without advance notice, at which point no further Scratch Tickets in that game may be sold. The determination of the closing date and reasons for closing will be made in accordance with the Scratch Ticket closing procedures and the Scratch Ticket Game Rules. See 16 TAC §140.302(j).

6.0 Governing Law. In purchasing a Scratch Ticket, the player agrees to comply with, and abide by, these Game Procedures for Scratch Ticket Game No. 2734, the State Lottery Act (Texas Government Code, Chapter 466), applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 140, and all final decisions of the Executive Director.

TRD-202604481
Deanne Rienstra
General Counsel
Texas Department of Licensing and Regulation
Filed: October 22, 2026

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Middle Rio Grande Workforce Development Board

Public Notice Request for RFP Qualifications Proposal
Financial Monitoring Services

WFSMRGB will issue a formal solicitation under a Request for Proposal (RFP) for Financial Monitoring Services.

Under this solicitation, WFSMRGB will select individuals to evaluate the above-mentioned proposal. Based on the individual's qualifications, respondents will be considered for the task of Financial Monitoring Services.

Interested proposers may access the Request for Proposal at www.wfsmrg.org, click the About Us tab, or contact Marcos Gonzales via email at marcos.gonzales@wfsmrg.org.

Bids must be received no later than 5:00 p.m. CST, November 6, 2026, at the address below. Bids submitted after the deadline will not be accepted.

Workforce Solutions Middle Rio Grande Board

Attention: Marcos Gonzales, Financial & Data Analyst

216 W Main St, Ste B

Uvalde, Texas 78801

(830) 591-0141

Workforce Solutions is an Equal Opportunity Employer/Program. Auxiliary aids and services are available upon request to individuals with disabilities. RELAY TEXAS (800) 735-2989; TDD and (800) 735-2988 or 7-1-1; voice. Historically Underutilized Businesses; HUBs are encouraged to apply.

TRD-202604503
Rosie Lozano
Executive Director
Middle Rio Grande Workforce Development Board
Filed: October 23, 2026

♦ ♦ ♦

North Central Texas Council of Governments

Notice of Contract Award for Legacy ATS Feasibility and Conceptual Engineering Study Request for Proposals

Pursuant to the provisions of Government Code, Chapter 2254, the North Central Texas Council of Governments publishes this notice of contract award. The request appeared in the June 19, 2026, issue of the *Texas Register* (51 TexReg 4056). The selected entity will perform technical and professional work for Legacy

ATS Feasibility and Conceptual Engineering Study Request for Proposals

The entity selected for this project is Kimley Horn 2600 North Central Expressway, Suite 400, Richardson, Texas 75080 for a contract not to exceed $370,000.

Issued in Arlington, Texas on October 26, 2026.

TRD-202604526
Monte Mercer
Acting Executive Director
North Central Texas Council of Governments
Filed: October 26, 2026

♦ ♦ ♦

Request for Proposals Bikeways to Trinity Railway Express Rail Stations Study

The North Central Texas Council of Governments (NCTCOG) is requesting written proposals from consultant firms to conduct a study to review options and provide recommendations for the most appropriate roadway retrofits to implement approximately 20 miles of bikeway facilities (on-street bikeways and/or off-street sidepaths) along thirty (30) roadway corridors that will improve bicycle accessibility to the Trinity Railway Express Trinity Lakes Station and the Centreport/DFW Airport Station in Fort Worth and the Downtown Irving/Heritage Crossing Station in Irving.

NCTCOG will be releasing this RFP on **Friday, November 6, 2026,** in the Bidnet Direct system and will accept electronic submissions through the Bidnet Direct system only. The Bidnet Direct submittal will count as the official submittal. Proposals must be submitted in Bidnet Direct no later than **5:00 p.m., Central Time**, on **Friday, December 11, 2026.** Proposals received after that time will not be accepted.

NCTCOG does not discriminate on the basis of age, race, color, religion, sex, national origin, or disability.

TRD-202604541
Monte Mercer
Acting Executive Director
North Central Texas Council of Governments
Filed: October 27, 2026

♦ ♦ ♦

Texas Workforce Commission

Request for Comment Regarding the Management Fee Rate Charged by WorkQuest, Inc.

Notice is hereby given that the Texas Workforce Commission (Commission) will review and make a decision on the management fee rate charged by the central nonprofit agency, WorkQuest, for its services to the community rehabilitation programs and its operation of the State Use Program for Fiscal Year 2027, as required by Texas Human Resources Code, §122.019(e).

The Commission will consider this review no earlier than Tuesday, January 12, 2027, in a duly posted open meeting.

WorkQuest has requested that the Commission set the Fiscal Year 2027 management fee rate at 6 percent of the sales price for products, 6 percent of the contract price for services, an additional 7 percent on products sold through its warehouse, and 5 percent of the contract price for temporary staffing services. The Commission seeks public comment on WorkQuest's management fee rate request, as required by Texas Human Resources Code, §122.030.

Comments should be submitted in writing on or before Thursday, January 7, 2027, to Kelvin Moore at the Texas Workforce Commission, 1117 Trinity, Room 144T, Austin, Texas 78711, or by email to purchasingfrompeoplewithdisabilities@twc.texas.gov.

For questions, call (512) 463-3244.

TRD-202604536
Les Trobman
General Counsel
Texas Workforce Commission
Filed: October 27, 2026

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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 51 (2026) is cited as follows: 51 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 "51 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 51 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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