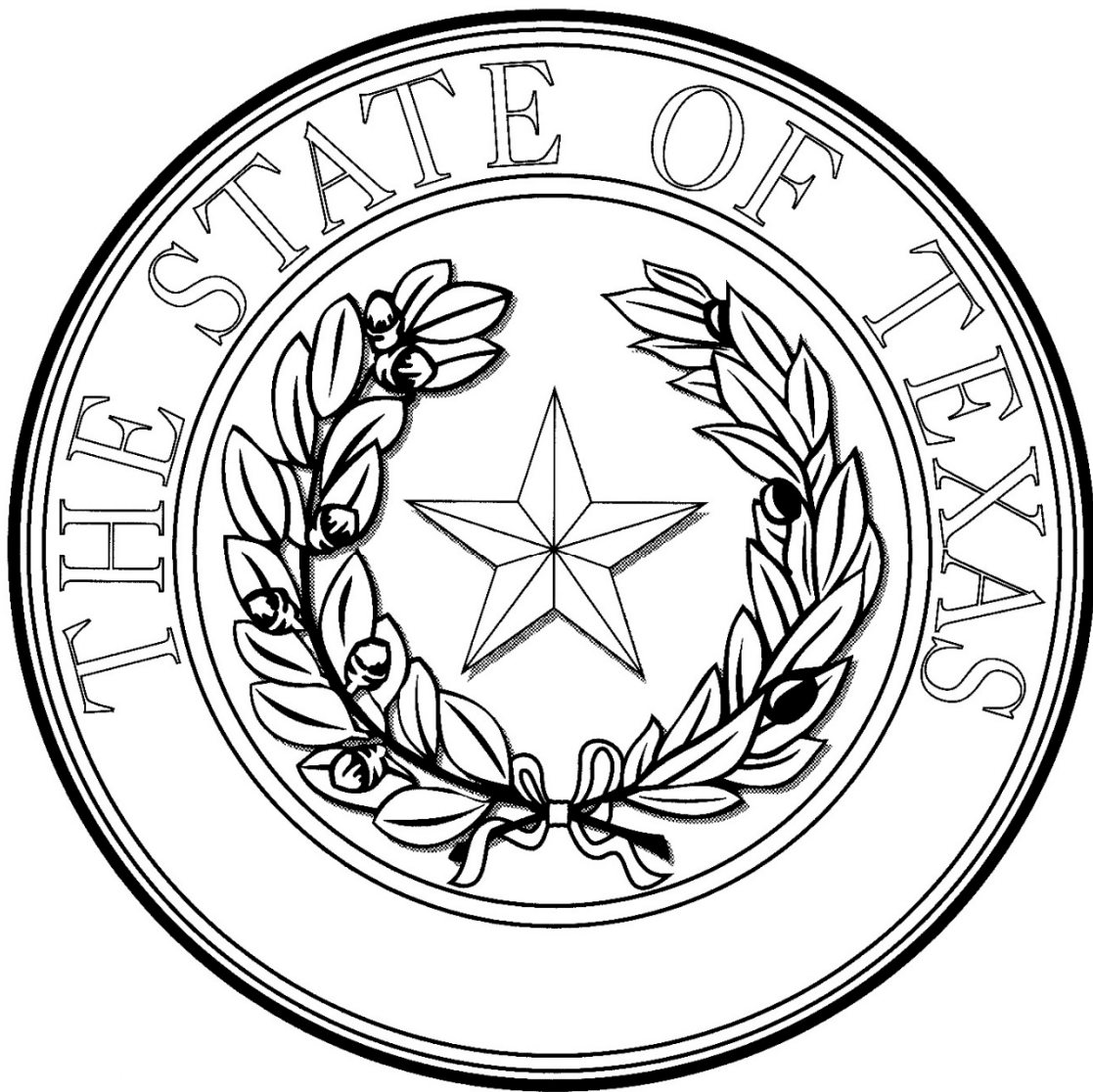

TEXAS REGISTER

Volume 50 Number 47

November 21, 2025

Pages 7461 – 7628



IN THIS ISSUE

GOVERNOR

Appointments	7467
Proclamation 41-4238	7468

PROPOSED RULES

STATE SECURITIES BOARD

SECURITIES DEALERS AND AGENTS

7 TAC §115.18	7469
---------------------	------

INVESTMENT ADVISERS AND INVESTMENT ADVISER REPRESENTATIVES

7 TAC §116.18	7472
---------------------	------

FORMS

7 TAC §133.19, §133.23	7475
7 TAC §133.19, §133.23	7476

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

ADMINISTRATION

10 TAC §1.401	7477
10 TAC §1.401	7478
10 TAC §1.403	7480
10 TAC §1.403	7481
10 TAC §1.406	7483
10 TAC §1.406	7484
10 TAC §1.410	7485
10 TAC §1.410	7486

MIGRANT LABOR HOUSING FACILITIES

10 TAC §§90.1 - 90.9	7489
10 TAC §§90.1 - 90.9	7490

PUBLIC UTILITY COMMISSION OF TEXAS

SUBSTANTIVE RULES APPLICABLE TO ELECTRIC SERVICE PROVIDERS

16 TAC §25.88	7498
16 TAC §25.88	7498

TEXAS HIGHER EDUCATION COORDINATING BOARD

STUDENT SERVICES

19 TAC §§21.21 - 21.30	7500
------------------------------	------

TEXAS EDUCATION AGENCY

EDUCATIONAL PROGRAMS

19 TAC §102.1056	7500
------------------------	------

TEXAS REAL ESTATE COMMISSION

PRACTICE AND PROCEDURE

22 TAC §533.11	7501
----------------------	------

GENERAL PROVISIONS

22 TAC §535.214	7503
-----------------------	------

TEXAS DEPARTMENT OF INSURANCE

PROPERTY AND CASUALTY INSURANCE

28 TAC §§5.4011 - 5.4013	7508
28 TAC §§5.4601, 5.4603, 5.4622, 5.4642	7509

COMPTROLLER OF PUBLIC ACCOUNTS

COMPTROLLER GRANT PROGRAMS

34 TAC §§16.21 - 16.24	7512
34 TAC §§16.30, 16.31, 16.35 - 16.38, 16.40 - 16.42, 16.46	7514
34 TAC §§16.37 - 16.39	7519
34 TAC §§16.500 - 16.506	7519

TEXAS COMMISSION ON FIRE PROTECTION

ADMINISTRATIVE PRACTICE AND PROCEDURE

37 TAC §§401.1, 401.3, 401.7, 401.9, 401.11, 401.13	7522
37 TAC §401.17	7524
37 TAC §401.19	7524
37 TAC §401.21, §401.23	7525
37 TAC §401.31	7525
37 TAC §401.41	7526
37 TAC §§401.53, 401.57, 401.59, 401.61, 401.63, 401.67	7527
37 TAC §401.105	7528
37 TAC §§401.111, 401.113, 401.115, 401.117, 401.119	7528
37 TAC §401.121, §401.127	7529
37 TAC §401.129	7530
37 TAC §401.131	7530

FIRE INSPECTOR AND PLAN EXAMINER

37 TAC §429.203	7531
-----------------------	------

FIRE FIGHTER SAFETY

37 TAC §435.7	7532
---------------------	------

FEES

37 TAC §437.3	7533
---------------------	------

TEXAS FORENSIC SCIENCE COMMISSION

DNA, CODIS, FORENSIC ANALYSIS, AND CRIME LABORATORIES

37 TAC §651.203, §651.207	7534
37 TAC §651.216	7539

WITHDRAWN RULES

TEXAS REAL ESTATE COMMISSION

PROFESSIONAL AGREEMENTS AND STANDARD
CONTRACTS

22 TAC §§537.20, 537.22, 537.28, 537.30 - 537.32, 537.37, 537.62,
537.63, 537.687541

ADOPTED RULES

**TEXAS DEPARTMENT OF HOUSING AND
COMMUNITY AFFAIRS**

MANUFACTURED HOUSING

10 TAC §80.31, §80.32.....7543

PUBLIC UTILITY COMMISSION OF TEXAS

SUBSTANTIVE RULES APPLICABLE TO
ELECTRIC SERVICE PROVIDERS

16 TAC §25.504.....7545

**TEXAS DEPARTMENT OF LICENSING AND
REGULATION**

PROCEDURAL RULES OF THE COMMISSION AND
THE DEPARTMENT

16 TAC §§60.501, 60.502, 60.504, 60.510, 60.512, 60.514, 60.516 -
60.518, 60.5207551

16 TAC §§60.503, 60.512, 60.518, 60.519.....7551

SPEECH-LANGUAGE PATHOLOGISTS AND
AUDIOLOGISTS

16 TAC §111.27557

16 TAC §111.227559

16 TAC §111.30, §111.357559

16 TAC §§111.40 - 111.42, 111.45, 111.47.....7560

16 TAC §111.507560

16 TAC §§111.50 - 111.52, 111.557560

16 TAC §111.70, §111.757560

16 TAC §111.757561

16 TAC §§111.80 - 111.82, 111.85, 111.87.....7561

16 TAC §§111.90 - 111.92, 111.957561

16 TAC §111.1157562

16 TAC §111.150, §111.1547562

16 TAC §111.1607562

ADMINISTRATION OF TEXAS LOTTERY AND
CHARITABLE BINGO

16 TAC §140.1, §140.2.....7562

TEXAS EDUCATION AGENCY

EXTRACURRICULAR ACTIVITIES

19 TAC §76.10017564

STATE BOARD OF DENTAL EXAMINERS

DENTAL HYGIENE LICENSURE

22 TAC §103.2.....7565

PROFESSIONAL CONDUCT

22 TAC §108.16.....7565

TEXAS BOARD OF NURSING

LICENSURE, PEER ASSISTANCE AND PRACTICE

22 TAC §217.5, §217.9.....7566

TEXAS STATE BOARD OF PUBLIC ACCOUNTANCY

MILITARY SERVICE MEMBERS, SPOUSES AND
VETERANS

22 TAC §516.1.....7566

22 TAC §516.2.....7567

22 TAC §516.3.....7567

22 TAC §516.4.....7567

22 TAC §516.5.....7567

FEE SCHEDULE

22 TAC §521.14.....7568

TEXAS REAL ESTATE COMMISSION

CANONS OF PROFESSIONAL ETHICS AND
CONDUCT

22 TAC §531.20.....7568

GENERAL PROVISIONS

22 TAC §535.1.....7569

23 TAC §535.5.....7569

22 TAC §535.21.....7569

22 TAC §535.56.....7570

22 TAC §535.58.....7570

22 TAC §535.61, §535.66.....7571

22 TAC §535.75.....7571

22 TAC §535.92.....7572

22 TAC §535.141.....7572

22 TAC §535.191.....7573

22 TAC §535.405.....7573

PROFESSIONAL AGREEMENTS AND STANDARD
CONTRACTS

22 TAC §537.26, §537.27.....7574

22 TAC §537.61.....7574

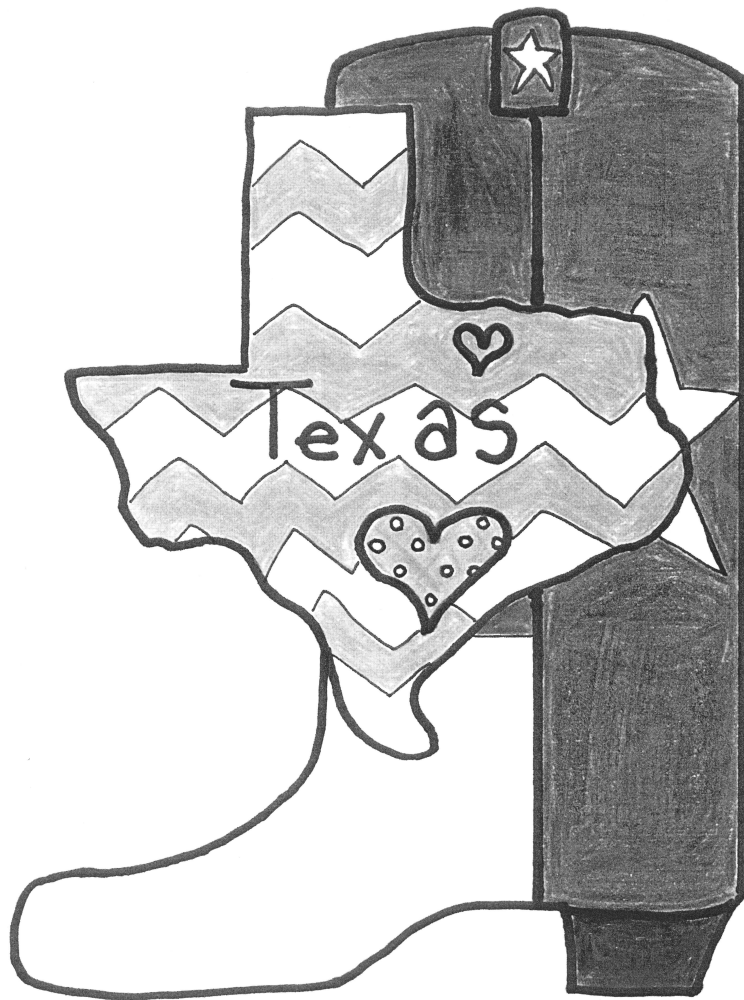
RULES RELATING TO THE PROVISIONS OF THE
TEXAS TIMESHARE ACT

22 TAC §543.5.....7575

22 TAC §543.13.....7575

DEPARTMENT OF STATE HEALTH SERVICES	
MISCELLANEOUS PROVISIONS	
25 TAC §1.81	7576
25 TAC §1.81	7576
25 TAC §1.91	7576
25 TAC §1.91	7576
GENERAL LAND OFFICE	
COASTAL AREA PLANNING	
31 TAC §15.41	7577
COMPTROLLER OF PUBLIC ACCOUNTS	
CENTRAL ADMINISTRATION	
34 TAC §1.201	7577
TEXAS FORENSIC SCIENCE COMMISSION	
DNA, CODIS, FORENSIC ANALYSIS, AND CRIME LABORATORIES	
37 TAC §651.222	7578
TEXAS BOARD OF OCCUPATIONAL THERAPY EXAMINERS	
STATUTORY AUTHORITY	
40 TAC §361.1	7578
REQUIREMENTS FOR LICENSURE	
40 TAC §§364.1 - 364.5	7579
DISPLAY OF LICENSES	
40 TAC §369.1	7580
LICENSE RENEWAL	
40 TAC §§370.1 - 370.3	7580
INACTIVE AND RETIRED STATUS	
40 TAC §371.1, §371.2	7581
DISCIPLINARY ACTIONS/DETRIMENTAL PRACTICE/COMPLAINT PROCESS/CODE OF ETHICS/LICENSURE OF PERSONS WITH CRIMINAL CONVICTIONS	
40 TAC §374.1, §374.2	7582
FEES	
40 TAC §375.1	7583
RULE REVIEW	
Proposed Rule Reviews	
Texas Board of Architectural Examiners	7585
State Board of Dental Examiners	7585

Department of State Health Services	7585
Texas Health and Human Services Commission	7586
Adopted Rule Reviews	
Texas Board of Nursing	7587
Texas Health and Human Services Commission	7587
IN ADDITION	
Office of Consumer Credit Commissioner	
Notice of Rate Ceilings	7589
Texas Commission on Environmental Quality	
Agreed Orders	7589
Texas Superfund Registry 2025	7591
General Land Office	
Notice and Opportunity to Comment on Requests for Consistency Agreement/Concurrence Under the Texas Coastal Management Program	7594
Texas Health and Human Services Commission	
Notice of Public Hearing on Proposed Rate Actions Related to Reimbursement for Federal Substance Use Prevention, Treatment, and Recovery Block Grant Services for Women with Dependent Children in Residential Treatment Facilities, Effective No Later Than September 1, 2026	7595
Texas Department of Housing and Community Affairs	
Notice of Funding Availability (NOFA) Release for 2026 Community Services Block Grant Discretionary (CSBG-D) Funds - Reentry Activities	7596
Notice of Funding Availability (NOFA) Release for 2026-1 National Housing Trust Fund (NHTF) - Multifamily Rental Development	7596
Texas Department of Insurance	
Company Licensing	7596
Texas Department of Licensing and Regulation	
Scratch Ticket Game Number 2711 "30X THE CASH WORD SEARCH"	7596
Scratch Ticket Game Number 2712 "50X THE CASH"	7602
Scratch Ticket Game Number 2713 "100X THE CASH"	7610
Scratch Ticket Game Number 2714 "200X THE CASH"	7617
North Central Texas Council of Governments	
Notice of Contract Award to Design a Retrofit of Las Colinas Automated Transportation System	7626
Panhandle Regional Planning Commission	
Legal Notice	7626



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 November 5, 2025

Appointed to the Dental Review Committee for a term to expire February 1, 2031, Danielle R. Franklin, D.D.S. of Dallas, Texas (Dr. Franklin is being reappointed).

Appointed to the Dental Review Committee for a term to expire February 1, 2031, Lois M. Palermo of League City, Texas (replacing Joanna L. Allaire of The Woodlands whose term has expired).

Appointed to the Dental Review Committee for a term to expire February 1, 2031, Raymond L. Wiggins, D.D.S., M.D. of Katy, Texas (Dr. Wiggins is being reappointed).

Appointed to the Southern Regional Education Board for a term to expire June 30, 2029, Aubrey W. "Wynn" Roser, Ph.D. of Austin, Texas (replacing Harrison Keller of Denton whose term has expired).

Appointments for November 6, 2025

Appointed to the Department of Information Resources for a term to expire February 1, 2027, Daniel Avitia, Jr. of Austin, Texas.

Appointed to the Department of Information Resources for a term to expire February 1, 2027, Andrew W. Friedrichs of Austin, Texas.

Appointed to the Department of Information Resources for a term to expire February 1, 2027, Keith R. Halman of Wolfforth, Texas.

Appointed to the Department of Information Resources for a term to expire February 1, 2027, Sylvia Hernandez Kauffman of Austin, Texas.

Appointed to the Public Sector Artificial Intelligence Systems Advisory Board September 1, 2027, Jaclyn K. Beerens of Austin, Texas.

Appointed to the Public Sector Artificial Intelligence Systems Advisory Board September 1, 2027, David Bolduc of Austin, Texas.

Appointed to the Public Sector Artificial Intelligence Systems Advisory Board September 1, 2027, Joshua "Josh" Chacona of Austin, Texas.

Appointed to the Public Sector Artificial Intelligence Systems Advisory Board September 1, 2027, Heather L. Hall, Ph.D. of Austin, Texas.

Appointed to the Public Sector Artificial Intelligence Systems Advisory Board September 1, 2027, Sylvia Hernandez Kauffman of Austin, Texas.

Appointed to the Public Sector Artificial Intelligence Systems Advisory Board September 1, 2027, Christina L. "Tina" McLeod of Austin, Texas.

Appointed to the Public Sector Artificial Intelligence Systems Advisory Board September 1, 2027, Anh-Thao "Anh" Selissen of Pflugerville, Texas.

Appointed to the Public Sector Artificial Intelligence Systems Advisory Board September 1, 2027, Ronald R. "Ron" Steffa of Huntsville, Texas.

Appointed to the North Texas Tollway Authority Board of Directors for a term to expire August 31, 2027, Jack J. "Justin" Hewlett of Cleburne, Texas (replacing Frankie "Lynn" Gravley of Gunter whose term has expired).

Appointments for November 7, 2025

Appointed to the Texas Advisory Committee on Geopolitical Conflict for a term to expire September 1, 2027, Joshlin D. "Josh" Lewis of Ovilla, Texas.

Appointed to the Texas Advisory Committee on Geopolitical Conflict for a term to expire September 1, 2027, Michael M. Lucci of Leander, Texas.

Appointed to the Radiation Advisory Board for a term to expire April 16, 2027, Joelle F. McRee, D.D.S. of Austin, Texas (replacing Lisa B. Masters, D.D.S. of Shavano Park who resigned).

Appointed to the Radiation Advisory Board for a term to expire April 16, 2031, Michael W. Britt of New Braunfels, Texas (Mr. Britt is being reappointed).

Appointed to the Radiation Advisory Board for a term to expire April 16, 2031, Joseph W. "Joe" Markham of Keller, Texas (Mr. Markham is being reappointed).

Appointed to the Radiation Advisory Board for a term to expire April 16, 2031, Darlene F. Metter, M.D. of San Antonio, Texas (Dr. Metter is being reappointed).

Appointed to the Radiation Advisory Board for a term to expire April 16, 2031, Kenneth "Ken" Peters, Ed.D., of Tomball, Texas (Dr. Peters is being reappointed).

Appointed to the Radiation Advisory Board for a term to expire April 16, 2031, Robert J. "Bob" Redweik of Tomball, Texas (Mr. Redweik is being reappointed).

Appointed to the Radiation Advisory Board for a term to expire April 16, 2031, Darshan Jitendra Sachde, Ph.D., of Austin, Texas (Dr. Sachde is being reappointed).

Appointments for November 10, 2025

Appointed to the Advisory Council on Cultural Affairs for a term to expire February 1, 2029, Ethan H. Gillis of Richardson, Texas (replacing Ezzard G. Castillo of Floresville whose term expired).

Appointed to the Advisory Council of Cultural Affairs for a term to expire February 1, 2029, Stewart T. McGregor of Forney, Texas (Mr. McGregor is being reappointed).

Appointed to the Advisory Council of Cultural Affairs for a term to expire February 1, 2029, Ricardo J. Solis, Ph.D. of McAllen, Texas (Dr. Solis is being reappointed).

Appointed to the Texas Council on Alzheimer's Disease and Related Disorders for a term to expire August 31, 2031, Kathey G. Comer of Tyler, Texas (replacing Angela Turner of Normangee whose term expired).

Appointed to the Texas Council on Alzheimer's Disease and Related Disorders for a term to expire August 31, 2031, D. Bailey Wynne of Duncanville, Texas (replacing Laura Fink DeFina, M.D. of Richardson whose term expired).

Greg Abbott, Governor
TRD-202504131

Proclamation 41-4238

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, I, GREG ABBOTT, Governor of the State of Texas, issued a disaster proclamation on August 10, 2025, as amended and renewed in subsequent proclamations, certifying that increased fire weather conditions pose an imminent threat of widespread or severe damage, injury, or loss of life or property in several counties; and

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

NOW, THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby amend and renew the aforementioned proclamation and declare a disaster in Anderson, Angelina, Aransas, Archer, Armstrong, Atascosa, Austin, Bailey, Bandera, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Bosque, Bowie, Brazoria, Brazos, Briscoe, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Camp, Carson, Cass, Castro, Chambers, Cherokee, Childress, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Colorado, Comal, Comanche, Concho, Cooke, Coryell, Cottle, Crosby, Dallam, Dallas, Deaf Smith, Delta, Denton, DeWitt, Dickens, Dimmit, Donley, Duval, Eastland, Ellis, Erath, Falls, Fannin, Fayette, Fisher, Floyd, Foard, Fort Bend, Franklin, Freestone, Frio, Galveston, Gillespie, Goliad, Gonzales, Gray, Grayson, Gregg, Grimes, Guadalupe, Hale, Hall, Hamilton, Hansford, Hardeman, Hardin, Harris, Harrison, Hartley, Haskell, Hays, Hemphill, Henderson, Hidalgo, Hill, Hockley, Hood, Hopkins, Houston, Hunt, Hutchinson, Jack, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Johnson, Jones, Karnes, Kaufman, Kendall, Kenedy, Kent, Kerr, Kimble, King, Kleberg, Knox, La Salle, Lamar,

Lamb, Lampasas, Lavaca, Lee, Leon, Liberty, Limestone, Lipscomb, Live Oak, Llano, Lubbock, Madison, Marion, Mason, Matagorda, Maverick, McCulloch, McLennan, McMullen, Medina, Menard, Milam, Mills, Mitchell, Montague, Montgomery, Moore, Morris, Motley, Nacogdoches, Navarro, Newton, Nolan, Nueces, Ochiltree, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Polk, Potter, Rains, Randall, Red River, Refugio, Roberts, Robertson, Rockwall, Runnels, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, San Saba, Scurry, Shackelford, Shelby, Sherman, Smith, Somervell, Starr, Stephens, Stonewall, Swisher, Tarrant, Taylor, Throckmorton, Titus, Tom Green, Travis, Trinity, Tyler, Upshur, Van Zandt, Victoria, Walker, Waller, Washington, Webb, Wharton, Wheeler, Wichita, Wilbarger, Willacy, Williamson, Wilson, Wise, Wood, Young, Zapata, and Zavala Counties.

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

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

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

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 9th day of November, 2025.

Greg Abbott, Governor
TRD-202504151

PROPOSED RULES

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

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

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

TITLE 7. BANKING AND SECURITIES

PART 7. STATE SECURITIES BOARD

CHAPTER 115. SECURITIES DEALERS AND AGENTS

7 TAC §115.18

The Texas State Securities Board proposes an amendment to §115.18, Special Provisions Relating to Military Applicants. The proposed amendment is necessary to implement House Bill 5629 and Senate Bill 1818 (89th Legislature, Regular Session (2025)) which amend state law relating to occupational licensing and recognition of out-of-state occupational licenses for military service members, military veterans, and military spouses (collectively, "military applicants"). The changes further expedite and simplify the process for military applicants who seek occupational licenses in Texas.

Related forms are being concurrently proposed, as are comparable amendments to the corresponding rule for investment advisers and investment adviser representatives.

Several changes would be made to §115.18 to align with state law requirements. The section would be amended to remove certain refund and waiver conditions imposed on military applicants. The time limits for Agency staff to issue registrations or recognitions for military applicants would be reduced. The section's provisions relating to recognition of out-of-state licenses would also be amended to change the documentation requirements and extend the duration of recognition periods for military service members and spouses. A publishing error would be corrected, and other changes would be made for clarity and consistency.

Subsection (a) would be amended to change the definitions for "current registration" and "good standing" to align with amended Texas Occupations Code §55.0042.

Subsection (b)(2) would be amended to require Registration staff to register military applicants who have requested expedited review to be registered within five business days of their request for expedited review.

Currently, military applicants who are new to the industry (i.e., those who have not been previously registered in another state) are not eligible for refunds or waivers of initial registration fees or fees for the Texas securities law examination. Subsection (c), which concerns waivers and refunds of fees, would be amended to remove those qualifying conditions set forth in (c)(1)(A) and (B). This change would slightly increase the number of military applicants who are eligible for and would benefit from the waivers and refund provisions in this section.

The caption for subsection (h) would be amended to re-insert the missing word "of" after the word "Recognition" that was recently removed from the official rule text due to a publishing error. Paragraph (1) of subsection (h) would be amended to pluralize the word "procedure" for consistency and clarity.

Paragraph (2) of subsection (h) would be amended to add language to extend the duration of the recognition period of a military spouse (which would be for as long as the military spouse is located in Texas), and to state the duration of the recognition period of a former military spouse (which would be for as long as the former military spouse is located in Texas but only until the third anniversary of the recognition date). The three-year limit on the duration of the recognition period for military service members and spouses residing in Texas in the existing rule would also be removed. This change would extend the duration of the "free" recognition period for eligible military applicants who are recognized under this subsection, which would consequently result in the waiver or refund of the applicants' annual renewal fees owed during the duration of this recognition period.

Paragraph (4) of subsection (h) concerning Option 2, would be amended to align with amended Occupations Code §55.0041, which removed certain requirements for recognition, including a requirement for Registration staff to verify out-of-state licensure good standing, and replaced them with different requirements, including a new requirement for the applicant to submit a notarized affidavit as to licensure good standing status. As a result of this change to Occupations Code §55.0041, the applicant may incur a small economic cost to obtain the required notarization.

Paragraph (4)(C)(ii) of subsection (h) would be amended to reduce the number of days that action must be taken on a request for recognition from 30 days to 10 business days.

Paragraph (4)(D) of subsection (h) would be amended to make conforming amendments to the renewal of the recognition status.

Finally, new paragraph (4)(E) of subsection (h) would be added for clarity and consistency with subsection (b), which relates to expedited review of applications. The new paragraph would clarify that individuals shall be recognized despite having pending or deficient items and would address how deficiencies are to be treated and resolved.

Cristi Ramón Ochoa, Deputy Securities Commissioner; Emily Diaz, Director, Registration Division; and Tommy Green, Director, Inspections and Compliance Division, have determined that for each year of the first five years the proposed amendment is in effect there may be foreseeable fiscal implications for state, but not local government, as a result of enforcing or administering the proposed amendment.

Although there may be a state fiscal impact, it would be minimal, and it is the result of legislation (HB 5629) rather than Agency

rulemaking. The Agency could potentially experience a slight loss in fee revenue as the proposal would waive or refund initial registration fees and Texas securities examination fees. In addition, the Agency could possibly experience a slight loss in renewal fee revenue as the duration of the "free" recognition period in (h) would be extended for certain military applicants. However, because no military applicants have applied for recognition under §115.18(h) or applied for any fee refunds or waivers under §115.18(c) since that subsection was enacted in 2015, the Agency anticipates that few, if any, applicants will seek recognition or request fee refunds or waivers in the future. Therefore, the Agency staff expects the fiscal impact to the Agency's fee revenue to be minimal.

Ms. Ochoa, Ms. Diaz, and Mr. Green have also 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 changes will be consistency and conformity with the applicable military occupational licensing requirements under state law.

There will be no adverse economic effect on micro or small businesses or rural communities. Because the proposed amendment will have no adverse economic effect on micro or small businesses or rural communities, preparation of an economic impact statement and a regulatory flexibility analysis is not required.

There may be a very slight economic cost to military applicants who may apply for recognition under this section, as a result of the new statutory requirement to submit an affidavit that must be notarized. Otherwise, there is no anticipated economic cost to persons who are required to comply with the amendment as proposed.

The proposal will not affect local employment or a local economy.

For each year of the first five years the proposed amendment would be in effect, the impact on government growth is as follows:

- (1) The proposal does not create or eliminate a government program;
- (2) The proposal does not require the creation or elimination of existing employee positions;
- (3) The proposal does not require an increase or decrease in future legislative appropriations to the Agency;
- (4) The proposal does not require an increase in fees paid to the Agency; however, it would require a slight decrease in initial registration, Texas securities examination, and/or renewal fees paid to the Agency by certain military applicants;
- (5) The proposal does not create a new regulation;
- (6) The proposal does not repeal an existing regulation; however, it would limit an existing regulation by exempting certain military applicants from certain licensing requirements in order to comply with state law, and would expand an existing regulation by expanding certain benefits to additional, eligible military applicants;
- (7) The proposal does not increase or decrease the number of individuals subject to the rule's applicability; and
- (8) The proposal does not positively or negatively affect this state's economy.

The Texas State Securities Board is requesting public comments on the proposal and information related to the cost, benefit, or ef-

fect of the proposed amendment, including any applicable data, research, or analysis. Any information that is submitted in response to this request must include an explanation of how and why the submitted information is specific to the proposed amendment.

Comments and responses to the request for information may be submitted in writing and will be accepted for 30 days following the publication of this notice in the *Texas Register*. Written comments should be submitted to Cheryn Netz Howard, General Counsel, State Securities Board, P.O. Box 13167, Austin, Texas 78711-3167. Comments and responses to the request for information may also be submitted electronically to proposal@ssb.texas.gov.

The amendment is proposed under the authority of the Texas Government Code, §4002.151, as adopted by HB 4171, 86th Legislature, 2019 Regular Session, effective January 1, 2022. Section 4002.151 provides the Board with the authority to adopt rules as necessary to implement the provisions of the Texas Securities Act, including rules governing registration statements, applications, notices, and reports; defining terms; classifying securities, persons, and matters within its jurisdiction; and prescribing different requirements for different classes. The amendment is also proposed under Chapter 55 of the Texas Occupations Code, as amended by HB 5629, which requires state agencies that issue licenses to adopt rules for the recognition of out-of-state licenses for military applicants, and as amended by SB 1818, which requires state agencies to promptly issue recognitions and licenses to military applicants.

The proposal affects the following sections of the Texas Securities Act, Texas Government Code Chapter 4004, Subchapters B through F, and §§4006.001, 4006.057, and 4007.105.

§115.18. Special Provisions Relating to Military Applicants.

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

(1) Current registration--A registration or license that is:

(A) issued by another state, the District of Columbia, or a territory of the United States that has registration requirements that are similar in scope of practice [substantially equivalent] to the requirements for a Texas registration in the same capacity;

(B) - (C) (No change.)

(2) Good standing--For purposes of this section, a person's registration is in good standing with another state's licensing authority if the person [A registration or license that is effective and unrestricted. A registration or license is considered to be restricted and not in good standing if it is subject to]:

(A) has a registration that is current, has not been suspended or revoked, and has not been voluntarily surrendered during an investigation for unprofessional conduct;

(B) has not been disciplined by the licensing authority with respect to the registration or person's practice of the occupation for which the registration is granted; and

(C) is not currently under investigation by the licensing authority for unprofessional conduct related to the person's registration or profession.

[(A) an undertaking, special stipulations or agreements relating to payments, limitations on activity or other restrictions;]

[(B) a pending administrative or civil action; or]

~~[(C) an order or other written directive issued pursuant to statutory authority and procedures, including orders of denial, suspension, or revocation.]~~

(3) - (8) (No change.)

(b) Expedited review of an application submitted by a military applicant as authorized by Occupations Code, §§55.004, 55.005, and 55.006.

(1) (No change.)

(2) If the military applicant is not registered within five business days of submitting an application, the military applicant may request special consideration of his or her application for registration by filing Form 133.4, Request for Consideration of a Registration Application by a Military Applicant, with the Securities Commissioner. Within five business days of receipt of the completed Form 133.4, the military applicant shall be registered ~~[will be notified in writing of the reason(s) for the pending or deficient status assigned to the application].~~

(3) - (5) (No change.)

(c) Waiver or refund of initial application fee and Texas Securities Law Examination fee for a military applicant as authorized by Occupations Code, §55.009.

(1) To qualify for a fee waiver or refund, the military applicant must submit ~~[be:]~~

~~[(A) a military applicant who holds a current registration in another jurisdiction; or]~~

~~[(B)] [a military service member or military veteran whose military service, training, or education substantially meets all the requirements for the registration sought who submits] Form 133.4, Request for Consideration of a Registration Application by a Military Applicant, with the applicant's registration application.~~

(2) (No change.)

(d) - (g) (No change.)

(h) Recognition of out-of-state license or registration of an individual who is either a military service member or a military spouse as authorized by Occupations Code, §55.0041.

(1) An individual who is a resident of Texas and who is either a military service member or a military spouse may use the procedures ~~[procedure]~~ set out in this subsection if the individual holds a current registration in another jurisdiction;

(2) The period covered by this subsection is only for the time during which the military service member is stationed at a military installation in Texas. In the case of a military spouse, the period covered by this subsection is for the time that the military spouse is a resident of Texas and is married to his or her respective military service member who is a military service member stationed at a military installation in Texas. Notwithstanding, if the individual is a military spouse, in the event of a divorce or other event that affects the individual's status as a military spouse, the recognition period covered by this subsection for such former spouse may continue until the third anniversary of the date the former spouse submitted the form and other documentation required by paragraph (4) of this subsection. [may continue, but for all individuals using the procedure set out in this subsection, this recognition period may not exceed three years from the date the individual:]

~~[(A) first becomes registered in Texas under Option 1, set out in paragraph (3) of this subsection; or]~~

~~[(B) first receives the confirmation from the Registration Division under Option 2, set out in paragraph (4)(C)(ii) of this subsection.]~~

(3) (No change.)

(4) Option 2: recognition of out-of-state registration [notification and authorization of activity] without Texas registration. Upon recognition [confirmation] under subparagraph (C) or (D) of this paragraph, the individual will be considered to be notice filed in Texas. Such notice filing expires at the end of the calendar year.

(A) (No change.)

(B) An individual who becomes ineligible under Occupations Code, §55.0041, or paragraph (1) or (2) of this subsection ~~[prior to the three year period identified in paragraph (2) of this subsection;]~~ must notify the Securities Commissioner of such ineligibility within 30 days and immediately cease activity until such time as the individual is registered in the appropriate capacity to conduct activity in Texas.

(C) Before engaging in an activity requiring registration in Texas, the individual must initially:

~~(i) submit to [provide notice of the individual's intent to engage in activity in Texas and specify the type of activity by filing with] the Securities Commissioner:~~

~~(I) (No change.)~~

~~(II) a copy of the member's military orders showing relocation to [proof of the individual's residency in] Texas; [(a permanent change of station (PCS) order may serve as proof of residency); and]~~

~~(III) a copy of the individual's marriage license if the applicant is a military spouse; and [military identification card.]~~

~~(IV) a notarized affidavit as required by Occupations Code §55.0041(b), included as part of Form 133.23, which affirms under penalty of perjury that the applicant is the person described and identified in the form; all statements in the application are true, correct, and complete; the applicant understands the scope of practice for the applicable registration in this state and will not perform outside that scope of practice; and the applicant is in good standing in each state in which the applicant holds or has held an applicable registration.~~

~~(ii) receive notification [confirmation] that the Registration Division:]~~

~~[(#)] has recognized [verified] the individual's license in another jurisdiction, which the Registration Division shall provide such notice [complete such verification] no later than the 10th business [30th] day after the date the individual [provides the notice and] submits the information required by subparagraph (C)(i) of this paragraph.]; and]~~

~~[(H) authorizes the individual to engage in the specified activity.]~~

(D) To continue to conduct business in Texas without registration under Option 2, ~~[after the expiration of the initial confirmation under subparagraph (C)(ii) of this paragraph;]~~ the individual must renew recognition annually on the same schedule as renewals of registration. This enables the Registration Division to determine that the individual remains eligible under Occupations Code, §55.0041, to continue to conduct securities activities in Texas without being registered.

(i) (No change.)

(ii) A renewal is not effective until the Registration Division receives the documents identified in subparagraph (C)(i) of this paragraph. [individual receives confirmation that the Registration Division:]

~~[(I) has verified the individual's license in another jurisdiction; and]~~

~~[(II) authorizes the individual to engage in specified activity.]~~

(E) An individual proceeding under this paragraph shall be recognized despite having pending and/or deficient items ("deficiencies"). The deficiencies will be communicated to the individual in writing or by electronic means within five business days from the date of the notice of recognition under this paragraph. Such deficiencies must be resolved by the individual within a 12-month period. Failure to resolve outstanding deficiencies will cause the recognition granted under this paragraph or any renewal of such recognition to automatically terminate 12 months after the date the individual was notified of the recognition pursuant to this paragraph.

(i) (No change.)

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 November 10, 2025.

TRD-202504067

Travis J. Iles

Securities Commissioner

State Securities Board

Earliest possible date of adoption: December 21, 2025

For further information, please call: (512) 305-8303



CHAPTER 116. INVESTMENT ADVISERS AND INVESTMENT ADVISER REPRESENTATIVES

7 TAC §116.18

The Texas State Securities Board proposes an amendment to §116.18, Special Provisions Relating to Military Applicants. The proposed amendment is necessary to implement House Bill 5629 and Senate Bill 1818 (89th Legislature, Regular Session (2025)) which amend state law relating to occupational licensing and recognition of out-of-state occupational licenses for military service members, military veterans, and military spouses (collectively, "military applicants"). The changes further expedite and simplify the process for military applicants who seek occupational licenses in Texas.

Related forms are being concurrently proposed, as are comparable amendments to the corresponding rule for dealers and agents.

Several changes would be made to §116.18 to align with state law requirements. The section would be amended to remove certain refund and waiver conditions imposed on military applicants. The time limits for Agency staff to issue registrations or recognitions for military applicants would be reduced. The section's provisions relating to recognition of out-of-state licenses would also be amended to change the documentation require-

ments and extend the duration of recognition periods for military service members and spouses. Other changes would be made for clarity and consistency.

Subsection (a) would be amended to change the definitions for "current registration" and "good standing" to align with amended Texas Occupations Code §55.0042.

Subsection (b)(2) would be amended to require Registration staff to register military applicants who have requested expedited review to be registered within five business days of their request for expedited review.

Currently, military applicants who are new to the industry (i.e., those who have not been previously registered in another state) are not eligible for refunds or waivers of initial registration fees or fees for the Texas securities law examination. Subsection (c), which concerns waivers and refunds of fees, would be amended to remove those qualifying conditions set forth in (c)(1)(A) and (B). This change would slightly increase the number of military applicants who are eligible for and would benefit from the waivers and refund provisions in this section.

Paragraph (1) of subsection (h) would be amended to pluralize the word "procedure" for consistency and clarity.

Paragraph (2) of subsection (h) would be amended to add language to extend the duration of the recognition period of a military spouse (which would be for as long as the military spouse is located in Texas), and to state the duration of the recognition period of a former military spouse (which would be for as long as the former military spouse is located in Texas but only until the third anniversary of the recognition date). The three-year limit on the duration of the recognition period for military service members and spouses residing in Texas in the existing rule would also be removed. This change would extend the duration of the "free" recognition period for eligible military applicants who are recognized under this subsection, which would consequently result in the waiver or refund of the applicants' annual renewal fees owed during the duration of this recognition period.

Paragraph (4) of subsection (h) concerning Option 2, would be amended to align with amended Occupations Code §55.0041 which removed certain requirements for recognition, including a requirement for Registration staff to verify out-of-state licensure good standing, and replaced them with different requirements, including a new requirement for the applicant to submit a notarized affidavit as to licensure good standing status. As a result of this change to Occupations Code §55.0041, the applicant may incur a small economic cost to obtain the required notarization.

Paragraph (4)(C)(ii) of subsection (h) would be amended to reduce the number of days that action must be taken on a request for recognition from 30 days to 10 business days.

Paragraph (4)(D) of subsection (h) would be amended to make conforming amendments to the renewal of the recognition status.

Finally, new paragraph (4)(E) of subsection (h) would be added for clarity and consistency with subsection (b), which relates to expedited review of applications. The new paragraph would clarify that individuals shall be recognized despite having pending or deficient items and would address how deficiencies are to be treated and resolved.

Cristi Ramón Ochoa, Deputy Securities Commissioner; Emily Diaz, Director, Registration Division; and Tommy Green, Director, Inspections and Compliance Division, have determined that for each year of the first five years the proposed amendment is in

effect there may be foreseeable fiscal implications for state, but not local government, as a result of enforcing or administering the proposed amendment.

Although there may be a state fiscal impact, it would be minimal, and it is the result of legislation (HB 5629) rather than Agency rulemaking. The Agency could potentially experience a slight loss in fee revenue as the proposal would waive or refund initial registration fees and Texas securities examination fees. In addition, the Agency could possibly experience a slight loss in renewal fee revenue as the duration of the "free" recognition period in (h) would be extended for certain military applicants. However, because no military applicants have applied for recognition under §116.18(h), and only two military applicants have applied for any fee refunds under §116.18(c) since that subsection was enacted in 2015, the Agency anticipates that few, if any, applicants will seek recognition or request fee refunds or waivers in the future. Therefore, the Agency staff expects the fiscal impact to the Agency's fee revenue to be minimal.

Ms. Ochoa, Ms. Diaz, and Mr. Green have also 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 changes will be consistency and conformity with the applicable military occupational licensing requirements under state law.

There will be no adverse economic effect on micro or small businesses or rural communities. Because the proposed amendment will have no adverse economic effect on micro or small businesses or rural communities, preparation of an economic impact statement and a regulatory flexibility analysis is not required.

There may be a very slight economic cost to military applicants who may apply for recognition under this section, as a result of the new statutory requirement to submit an affidavit that must be notarized. Otherwise, there is no anticipated economic cost to persons who are required to comply with the amendment as proposed.

The proposal will not affect local employment or a local economy.

For each year of the first five years the proposed amendment would be in effect, the impact on government growth is as follows:

- (1) The proposal does not create or eliminate a government program;
- (2) The proposal does not require the creation or elimination of existing employee positions;
- (3) The proposal does not require an increase or decrease in future legislative appropriations to the Agency;
- (4) The proposal does not require an increase in fees paid to the Agency; however, it would require a slight decrease in initial registration, Texas securities examination, and/or renewal fees paid to the Agency by certain military applicants;
- (5) The proposal does not create a new regulation;
- (6) The proposal does not repeal an existing regulation; however, it would limit an existing regulation by exempting certain military applicants from certain licensing requirements in order to comply with state law, and would expand an existing regulation by expanding certain benefits to additional, eligible military applicants;
- (7) The proposal does not increase or decrease the number of individuals subject to the rule's applicability; and

(8) The proposal does not positively or negatively affect this state's economy.

The Texas State Securities Board is requesting public comments on the proposal and information related to the cost, benefit, or effect of the proposed amendment, including any applicable data, research, or analysis. Any information that is submitted in response to this request must include an explanation of how and why the submitted information is specific to the proposed amendment.

Comments and responses to the request for information may be submitted in writing and will be accepted for 30 days following the publication of this notice in the *Texas Register*. Written comments should be submitted to Cheryn Netz Howard, General Counsel, State Securities Board, P.O. Box 13167, Austin, Texas 78711-3167. Comments and responses to the request for information may also be submitted electronically to proposal@ssb.texas.gov.

The amendment is proposed under the authority of the Texas Government Code, §4002.151, as adopted by HB 4171, 86th Legislature, 2019 Regular Session, effective January 1, 2022. Section 4002.151 provides the Board with the authority to adopt rules as necessary to implement the provisions of the Texas Securities Act, including rules governing registration statements, applications, notices, and reports; defining terms; classifying securities, persons, and matters within its jurisdiction; and prescribing different requirements for different classes. The amendment is also proposed under Chapter 55 of the Texas Occupations Code, as amended by HB 5629, which requires state agencies that issue licenses to adopt rules for the recognition of out-of-state licenses for military applicants, and as amended by SB 1818, which requires state agencies to promptly issue recognitions and licenses to military applicants.

The proposal affects the following sections of the Texas Securities Act, Texas Government Code Chapter 4004, Subchapters B through F, and §§4006.001, 4006.057, and 4007.105.

§116.18. Special Provisions Relating to Military Applicants.

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

(1) Current registration--A registration or license that is:

(A) issued by another state, the District of Columbia, or a territory of the United States that has registration requirements that are similar in scope of practice [~~substantially equivalent~~] to the requirements for a Texas registration in the same capacity;

(B) - (C) (No change.)

(2) Good standing--~~For purposes of this section, a person's registration is in good standing with another state's licensing authority if the person [A registration or license that is effective and unrestricted. A registration or license is considered to be restricted and not in good standing if it is subject to]:~~

~~(A) has a registration that is current, has not been suspended or revoked, and has not been voluntarily surrendered during an investigation for unprofessional conduct;~~

~~[(A) an undertaking, special stipulations or agreements relating to payments, limitations on activity or other restrictions;]~~

~~(B) has not been disciplined by the licensing authority with respect to the registration or person's practice of the occupation for which the registration is granted; and~~

~~[(B) a pending administrative or civil action; or]~~

~~[(C) is not currently under investigation by the licensing authority for unprofessional conduct related to the person's registration or profession.]~~

~~[(C) an order or other written directive issued pursuant to statutory authority and procedures, including orders of denial, suspension, or revocation.]~~

(3) - (8) (No change.)

(b) Expedited review of an application submitted by a military applicant as authorized by Occupations Code, §§55.004, 55.005, and 55.006.

(1) (No change.)

(2) If the military applicant is not registered within five business days of submitting an application, the military applicant may request special consideration of his or her application for registration by filing Form 133.4, Request for Consideration of a Registration Application by a Military Applicant, with the Securities Commissioner. Within five business days of receipt of the completed Form 133.4, the military applicant shall be registered ~~[will be notified in writing of the reason(s) for the pending or deficient status assigned to the application].~~

(3) - (5) (No change.)

(c) Waiver or refund of initial application fee and Texas Securities Law Examination fee for a military applicant as authorized by Occupations Code, §55.009.

(1) To qualify for a fee waiver or refund, the military applicant must submit ~~[be:]~~

~~[(A) a military applicant who holds a current registration in another jurisdiction; or]~~

~~[(B)] [a military service member or military veteran whose military service, training, or education substantially meets all the requirements for the registration sought who submits] Form 133.4, Request for Consideration of a Registration Application by a Military Applicant, with the applicant's registration application.~~

(2) (No change.)

(d) - (g) (No change.)

(h) Recognition of out-of-state license or registration of an individual who is either a military service member or a military spouse as authorized by Occupations Code, §55.0041.

(1) An individual who is a resident of Texas and who is either a military service member or a military spouse may use the procedures ~~[procedure]~~ set out in this subsection if the individual holds a current registration in another jurisdiction.

(2) The period covered by this subsection is only for the time during which the military service member is stationed at a military installation in Texas. In the case of a military spouse, the period covered by this subsection is for the time that the military spouse is a resident of Texas and is married to his or her respective military service member who is a military service member stationed at a military installation in Texas. Notwithstanding, if the individual is a military spouse, in the event of a divorce or other event that affects the individual's status as a military spouse, the recognition period covered by this subsection for such former spouse may continue until the third anniversary of the date the former spouse submitted the form and other documentation required by paragraph (4) of this subsection. ~~[may continue, but for all~~

individuals using the procedure set out in this subsection, this recognition period may not exceed three years from the date the individual:]

~~[(A) first becomes registered, or makes a notice filing pursuant to §116.1(b)(2) of this chapter (relating to general provisions), in Texas under Option 1, set out in paragraph (3) of this subsection; or]~~

~~[(B) first receives the confirmation from the Registration Division under Option 2, set out in paragraph (4)(C)(ii) of this subsection.]~~

(3) (No change.)

(4) Option 2: recognition of out of state registration [notification and authorization of activity] without Texas registration, or notice filing pursuant to §116.1(b)(2) of this chapter. Upon confirmation under subparagraph (C) or (D) of this paragraph, the individual will be considered to be notice filed in Texas. Such notice filing expires at the end of the calendar year.

(A) (No change.)

(B) An individual who becomes ineligible under Occupations Code, §55.0041, or paragraph (1) or (2) of this subsection ~~[prior to the three year period identified in paragraph (2) of this subsection,]~~ must notify the Securities Commissioner of such ineligibility within 30 days and immediately cease activity until such time as the individual is registered in Texas, or makes a notice filing pursuant to §116.1(b)(2) of this chapter, in the appropriate capacity to conduct activity in Texas.

(C) Before engaging in an activity in Texas requiring registration, or a notice filing pursuant to §116.1(b)(2) of this chapter, the individual must initially:

(i) submit to ~~[provide notice of the individual's intent to engage in activity in Texas and specify the type of activity by filing with]~~ the Securities Commissioner:

(I) (No change.)

(II) a copy of the member's military orders showing relocation to ~~[proof of the individual's residency in] Texas~~ ~~[(a permanent change of station (PCS) order may serve as proof of residency)]; [and]~~

(III) a copy of the individual's marriage license if the applicant is a military spouse; and ~~[military identification card.]~~

(IV) a notarized affidavit as required by Occupations Code §55.0041(b), included as part of Form 133.23, which affirms under penalty of perjury that the applicant is the person described and identified in the form; all statements in the application are true, correct, and complete; the applicant understands the scope of practice for the applicable registration in this state and will not perform outside that scope of practice; and the applicant is in good standing in each state in which the applicant holds or has held an applicable registration.

(ii) receive notification ~~[confirmation]~~ that the Registration Division~~[:]~~

~~[(#)]~~ has recognized ~~[verified]~~ the individual's license in another jurisdiction, which the Registration Division shall provide such notice ~~[complete such verification]~~ no later than the 10th business ~~[30th]~~ day after the date the individual ~~[provides the notice and]~~ submits the information required by subparagraph (C)(i) of this paragraph.~~[: and]~~

~~[(H)]~~ authorizes the individual to engage in the specified activity.]

(D) To continue to conduct business in Texas without registration, or a notice filing pursuant to §116.1(b)(2) of this chap-

ter, under Option 2, ~~[after the expiration of the initial confirmation under subparagraph (C)(ii) of this paragraph,]~~ the individual must renew recognition annually on the same schedule as renewals of registration. This enables the Registration Division to determine that the individual remains eligible under Occupations Code, §55.0041, to continue to conduct securities activities in Texas without being registered.

(i) (No change.)

(ii) ~~A renewal is not effective until the Registration Division receives the documents identified in subparagraph (C)(i) of this paragraph. [individual receives confirmation that the Registration Division:]~~

~~[(I) has verified the individual's license in another jurisdiction; and]~~

~~[(H) authorizes the individual to engage in specified activity.]~~

(E) An individual proceeding under this paragraph shall be recognized despite having pending and/or deficient items ("deficiencies"). The deficiencies will be communicated to the individual in writing or by electronic means within five business days from the date of the notice of recognition under this paragraph. Such deficiencies must be resolved by the individual within a 12-month period. Failure to resolve outstanding deficiencies will cause the recognition granted under this paragraph or any renewal of such recognition to automatically terminate 12 months after the date the individual was notified of the recognition pursuant to this paragraph.

(i) (No change.)

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 November 10, 2025.

TRD-202504071

Travis J. Iles

Securities Commissioner

State Securities Board

Earliest possible date of adoption: December 21, 2025

For further information, please call: (512) 305-8303



CHAPTER 133. FORMS

7 TAC §133.19, §133.23

The Texas State Securities Board proposes the repeal of two rules concerning forms adopted by reference. Specifically, the State Securities Board proposes the repeal of §133.19, a form concerning Waiver or Refund Request by a Military Applicant; and §133.23, a form concerning Request for Recognition of Out-Of-State License or Registration Pursuant to Occupations Code §55.0041.

The two sections proposed for repeal adopt by reference forms that implement portions of §115.18 and §116.18. New forms §133.19 and §133.23 are being concurrently proposed to implement amendments to §115.18 and §116.18, which are also being concurrently proposed, and are necessary to implement House Bill 5629 and Senate Bill 1818 (89th Legislature, Regular Session (2025)) which amend state law relating to occupational licensing and recognition of out-of-state occupational licenses for

military service members, military veterans, and military spouses (collectively, "military applicants"). The changes further expedite and simplify the process for military applicants who seek occupational licenses in Texas.

Existing Form 133.19, which would be repealed, may be filed by a military applicant to request a waiver or a refund of an initial registration fee and/or a fee to take the Texas securities law examination. New Form 133.19, concurrently proposed, would perform the same function as the existing form, but certain requirements for waiver or refund eligibility would be removed from the form to implement the requirements of Occupations Code §55.009 as amended by HB 5629.

Existing Form 133.23, which would be repealed, may be filed by a military service member or military spouse eligible for non-registration under Texas Occupations Code §55.0041, to provide the Agency with information needed to determine eligibility for such treatment. New Form 133.23, concurrently proposed, would perform the same function as the existing form but would require the applicant to provide a notarized affidavit as to the applicant's good standing status in another jurisdiction as well as to require military orders, in lieu of providing proof of Texas residency and a military identification card, and, as applicable, a marriage license.

Cristi Ramón Ochoa, Deputy Securities Commissioner; Emily Diaz, Director, Registration Division; and Tommy Green, Director, Inspections and Compliance Division, have determined that for each year of the first five years the proposed repeals are in effect there will be no foreseeable fiscal implications for state or local government, as a result of administering the proposed repeals.

Ms. Ochoa, Ms. Diaz, and Mr. Green have also determined that for each year of the first five years the proposed repeals will be in effect the public benefit anticipated as a result of adoption of the proposed repeals will be that current forms can be replaced with new forms that comply with new statutory requirements.

There will be no adverse economic effect on micro or small businesses or rural communities. Because the proposed repeals will have no adverse economic effect on micro or small businesses or rural communities, preparation of an economic impact statement and a regulatory flexibility analysis is not required. There is no anticipated economic cost to persons who are required to comply with the repeals as proposed.

The proposed repeals will not affect local employment or a local economy.

For each year of the first five years the proposed amendment would be in effect, the impact on government growth is as follows:

- (1) The proposed repeals do not create or eliminate a government program;
- (2) The proposed repeals do not require the creation or elimination of existing employee positions;
- (3) The proposed repeals do not require an increase or decrease in future legislative appropriations to this agency;
- (4) The proposed repeals do not require an increase or decrease in fees paid to this agency;
- (5) The proposed repeals do not create a new regulation;
- (6) The proposed repeals do not expand or limit an existing regulation;

(7) The proposed repeals do not increase or decrease the number of individuals subject to the forms' applicability; and

(8) The proposed repeals do not positively or negatively affect the state's economy.

The rulemaking involves repealing two existing forms to replace them with two new forms that are being concurrently proposed, as part of the implementation of HB5629 and SB1818.

The Texas State Securities Board is requesting public comments on the proposed repeals and information related to the cost, benefit, or effect of the proposed repeals, including any applicable data, research, or analysis. Any information that is submitted in response to this request must include an explanation of how and why the submitted information is specific to the proposed repeals.

Comments and responses to the request for information may be submitted in writing and will be accepted for 30 days following the publication of this notice in the *Texas Register*. Written comments should be submitted to Cheryn Netz Howard, General Counsel, State Securities Board, P.O. Box 13167, Austin, Texas 78711-3167. Comments and responses to the request for information may also be submitted electronically to proposal@ssb.texas.gov.

The repeals are proposed under the authority of the Texas Government Code, §4002.151, as adopted by HB 4171, 86th Legislature, 2019 Regular Session, effective January 1, 2022. Section 4002.151 provides the Board with the authority to adopt rules as necessary to implement the provisions of the Texas Securities Act, including rules governing registration statements, applications, notices, and reports; defining terms; classifying securities, persons, and matters within its jurisdiction; and prescribing different requirements for different classes. The repeals are also proposed under Chapter 55 of the Texas Occupations Code, as amended by HB 5629, which requires state agencies that issue licenses to adopt rules for the recognition of out-of-state licenses for military applicants, and as amended by SB 1818, which requires state agencies to promptly issue recognitions and licenses to military applicants.

The proposal affects the following sections of the Texas Securities Act, Texas Government Code Chapter 4004, Subchapters B through F, and §§4006.001, 4006.057, and 4007.105.

§133.19. Waiver or Refund Request by a Military Applicant.

§133.23. Request for Recognition of Out-Of-State License or Registration Pursuant to Occupations Code §55.0041.

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 November 10, 2025.

TRD-202504074

Travis J. Iles

Securities Commissioner

State Securities Board

Earliest possible date of adoption: December 21, 2025

For further information, please call: (512) 305-8303



7 TAC §133.19, §133.23

The Texas State Securities Board proposes new §133.19, a form concerning Waiver or Refund Request by a Military Applicant; and new §133.23, a form concerning Request for Recognition of Out-Of-State License or Registration Pursuant to Occupations Code §55.0041.

The new sections would adopt by reference forms that would be created to implement amendments to §115.18 and §116.18, which are being concurrently proposed, and are necessary to implement House Bill 5629 and Senate Bill 1818 (89th Legislature, Regular Session (2025)) which amend state law relating to occupational licensing and recognition of out-of-state occupational licenses for military service members, military veterans, and military spouses (collectively, "military applicants"). The changes further expedite and simplify the process for military applicants who seek occupational licenses in Texas.

Existing forms §133.19 and §133.23 are being concurrently proposed for repeal.

Existing Form 133.19 may be filed by a military applicant to request a waiver or a refund of an initial registration fee and/or a fee to take the Texas securities law examination. New Form 133.19 would perform the same function as the existing form, but certain requirements for waiver or refund eligibility would be removed from the form to implement the requirements of Occupations Code §55.009 as amended by HB 5629.

Existing Form 133.23 may be filed by a military service member or military spouse eligible for non-registration under Texas Occupations Code §55.0041, to provide the Agency with information needed to determine eligibility for such treatment. New Form 133.23 would perform the same function as the existing form but would require the applicant to provide a notarized affidavit as to the applicant's good standing status in another jurisdiction as well as to require military orders, in lieu of providing proof of Texas residency and a military identification card, and, as applicable, a marriage license. The form would need to be resubmitted annually during the period that the individual qualifies for unique treatment under Texas Occupations Code §55.0041. Upon issuance of the confirmation by the Registration Division for the initial or a renewal filing, the individual would be considered to be notice filed for purposes of recordkeeping and certification.

Cristi Ramón Ochoa, Deputy Securities Commissioner; Emily Diaz, Director, Registration Division; and Tommy Green, Director, Inspections and Compliance Division, have determined that for each year of the first five years the proposed forms are used there will be no foreseeable fiscal implications for state or local government as a result of using the proposed forms.

Ms. Ochoa, Ms. Diaz, and Mr. Green have also determined that for each year of the first five years the proposed forms are used the public benefit anticipated as a result of adoption of the proposed forms will be that an eligible military applicant can complete the forms adopted by reference to either obtain a waiver or refund or to practice securities business in Texas without being registered.

There will be no adverse economic effect on micro or small businesses or rural communities. Because the proposed forms will have no adverse economic effect on micro or small businesses or rural communities, preparation of an economic impact statement and a regulatory flexibility analysis is not required.

There may be a very slight economic cost to military applicants who may apply for recognition under §115.18 and §116.18 using the forms that would be adopted by reference in the proposed

new rules, as a result of the new statutory requirement to submit an affidavit that must be notarized. Otherwise, there is no anticipated economic cost to persons who are required to use the forms as proposed.

The proposal will not affect local employment or a local economy.

For each year of the first five years the proposed new rules adopting by reference the forms would be in effect, the impact on government growth is as follows:

- (1) The proposal does not create or eliminate a government program;
- (2) The proposal does not require the creation or elimination of existing employee positions;
- (3) The proposal does not require an increase or decrease in future legislative appropriations to the Agency;
- (4) The proposal does not require an increase or decrease in fees paid to the Agency;
- (5) The proposal does not create a new regulation;
- (6) The proposal does not expand, limit, or repeal an existing regulation;
- (7) The proposal does not increase or decrease the number of individuals subject to the rules' applicability; and
- (8) The proposal does not positively or negatively affect this state's economy.

Although the rulemaking involves the creation of new forms, the forms are created as part of the implementation of HB5629 and SB1818.

The Texas State Securities Board is requesting public comments on the proposal and information related to the cost, benefit, or effect of the proposed new rules, including any applicable data, research, or analysis. Any information that is submitted in response to this request must include an explanation of how and why the submitted information is specific to the proposed new rules.

Comments and responses to the request for information may be submitted in writing and will be accepted for 30 days following the publication of this notice in the *Texas Register*. Written comments should be submitted to Cheryn Netz Howard, General Counsel, State Securities Board, P.O. Box 13167, Austin, Texas 78711-3167. Comments and responses to the request for information may also be submitted electronically to proposal@ssb.texas.gov.

The new rules are proposed under the authority of the Texas Government Code, §4002.151, as adopted by HB 4171, 86th Legislature, 2019 Regular Session, effective January 1, 2022. Section 4002.151 provides the Board with the authority to adopt rules as necessary to implement the provisions of the Texas Securities Act, including rules governing registration statements, applications, notices, and reports; defining terms; classifying securities, persons, and matters within its jurisdiction; and prescribing different requirements for different classes. The new rules are also proposed under Chapter 55 of the Texas Occupations Code, as amended by HB 5629, which requires state agencies that issue licenses to adopt rules for the recognition of out-of-state licenses for military applicants, and as amended by SB 1818, which requires state agencies to promptly issue recognitions and licenses to military applicants.

The proposal affects the following sections of the Texas Securities Act, Texas Government Code Chapter 4004, Subchapters B through F, and §§4006.001, 4006.057, and 4007.105.

§133.19. Waiver or Refund Request by a Military Applicant.

This form is available from the State Securities Board, P.O. Box 13167, Austin, Texas 78711-3167 and at www.ssb.texas.gov.

§133.23. Request for Recognition of Out-Of-State License or Registration Pursuant to Occupations Code §55.0041.

This form is available from the State Securities Board, P.O. Box 13167, Austin, Texas 78711-3167 and at www.ssb.texas.gov.

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 November 10, 2025.

TRD-202504073

Travis J. Iles

Securities Commissioner

State Securities Board

Earliest possible date of adoption: December 21, 2025

For further information, please call: (512) 305-8303



TITLE 10. COMMUNITY DEVELOPMENT

PART 1. TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

CHAPTER 1. ADMINISTRATION

SUBCHAPTER D. UNIFORM GUIDANCE FOR RECIPIENTS OF FEDERAL AND STATE FUNDS

10 TAC §1.401

The Texas Department of Housing and Community Affairs (the Department) proposes the repeal of 10 TAC Chapter 1, Subchapter D, Uniform Guidance for Recipients of Federal and State Funds, §1.401 Effective Date and Definitions. The purpose of the proposed repeal is to eliminate the outdated rule and replace it simultaneously with a new more germane rule.

Tex. Gov't Code §2001.0045(b) does not apply to the rule proposed for action because it was determined that no costs are associated with this action, and therefore no costs warrant being offset.

The Department has analyzed this proposed rulemaking and the analysis is described below for each category of analysis performed.

a. GOVERNMENT GROWTH IMPACT STATEMENT REQUIRED BY TEX. GOV'T CODE §2001.0221.

Mr. Bobby Wilkinson has determined that, for the first five years the repeal would be in effect:

1. The repeal does not create or eliminate a government program but relates to updates to reflect changes made by the Texas Comptroller of Public Accounts to the Texas Grant Management Standards (TxGMS).

2. The repeal does not require a change in work that would require the creation of new employee positions, nor are the rule changes significant enough to reduce work load to a degree that eliminates any existing employee positions.

3. The repeal does not require additional future legislative appropriations.

4. The repeal will not result in an increase in fees paid to the Department, nor in a decrease in fees paid to the Department.

5. The repeal is not creating a new regulation, except that it is being replaced by a new rule simultaneously to provide for revisions.

6. The repeal will not expand, limit, or repeal an existing regulation.

7. The repeal will not increase or decrease the number of individuals subject to the rule's applicability.

8. The repeal will not negatively or positively affect the state's economy.

b. ADVERSE ECONOMIC IMPACT ON SMALL OR MICRO-BUSINESSES OR RURAL COMMUNITIES AND REGULATORY FLEXIBILITY REQUIRED BY TEX. GOV'T CODE §2006.002.

The Department has evaluated the repeal and determined that the repeal will not create an economic effect on small or micro-businesses or rural communities.

c. TAKINGS IMPACT ASSESSMENT REQUIRED BY TEX. GOV'T CODE §2007.043. The repeal does not contemplate or authorize a taking by the Department; therefore, no Takings Impact Assessment is required.

d. LOCAL EMPLOYMENT IMPACT STATEMENTS REQUIRED BY TEX. GOV'T CODE §2001.024(a)(6).

The Department has evaluated the repeal as to its possible effects on local economies and has determined that for the first five years the repeal would be in effect there would be no economic effect on local employment; therefore, no local employment impact statement is required to be prepared for the rule.

e. PUBLIC BENEFIT/COST NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(5). Mr. Wilkinson has determined that, for each year of the first five years the repeal is in effect, the public benefit anticipated as a result of the changed sections would be a rule in compliance with the newest version of the Texas Grant Management Standards. There will not be economic costs to individuals required to comply with the repealed section.

f. FISCAL NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(4). Mr. Wilkinson also has determined that for each year of the first five years the repeal is in effect, enforcing or administering the repeal does not have any foreseeable implications related to costs or revenues of the state or local governments.

REQUEST FOR PUBLIC COMMENT AND INFORMATION RELATED TO COST, BENEFIT OR EFFECT. The Department requests comments on the proposed repeal and also requests information related to the cost, benefit, or effect of the proposed repeal, including any applicable data, research, or analysis from any person required to comply with the repeal or any other interested person. The public comment period will be held November 21, 2025 to December 21, 2025, to receive input on the proposed action. Comments may be submitted to the Texas Department of Housing and Community Affairs, Attn: Brooke Boston at brooke.boston@tdhca.state.tx.us. ALL COMMENTS MUST BE RECEIVED BY 5:00 p.m., Austin local (Central) time, December 21, 2025.

ment of Housing and Community Affairs, Attn: Brooke Boston at brooke.boston@tdhca.state.tx.us. ALL COMMENTS MUST BE RECEIVED BY 5:00 p.m., Austin local (Central) time, December 21, 2025.

STATUTORY AUTHORITY. The repeal is made pursuant to Tex. Gov't Code §2306.053, which authorizes the Department to adopt rules.

Except as described herein the repeal affects no other code, article, or statute.

§1.401. *Effective Date and Definitions.*

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 November 7, 2025.

TRD-202504052

Bobby Wilkinson

Executive Director

Texas Department of Housing and Community Affairs

Earliest possible date of adoption: December 21, 2025

For further information, please call: (512) 475-3959



10 TAC §1.401

The Texas Department of Housing and Community Affairs (the Department) proposes new 10 TAC Chapter 1, Subchapter D, Uniform Guidance for Recipients of Federal and State Funds, §1.401 Effective Date and Definitions. The purpose of the new section is to make updates that relate to the newest version of the Texas Grant Management Standards released in October 2025 by the Texas Comptroller of Public Accounts.

Tex. Gov't Code §2001.0045(b) does not apply to the rule because it was determined that no costs are associated with this action, and therefore no costs warrant being offset.

The Department has analyzed this rulemaking and the analysis is described below for each category of analysis performed.

a. GOVERNMENT GROWTH IMPACT STATEMENT REQUIRED BY TEX. GOV'T CODE §2001.0221.

Mr. Bobby Wilkinson has determined that, for the first five years the new section would be in effect:

1. The new section does not create or eliminate a government program but relates to updates to new changes to the Texas Grant Management Standards.

2. The new section does not require a change in work that would require the creation of new employee positions, nor are the rule changes significant enough to reduce work load to a degree that eliminates any existing employee positions.

3. The new section does not require additional future legislative appropriations.

4. The new section will not result in an increase in fees paid to the Department, nor in a decrease in fees paid to the Department.

5. The new section is not creating a new regulation, except that it is replacing a section being repealed simultaneously to provide for revisions.

6. The new section will not expand, limit, or repeal an existing regulation.

7. The new section will not increase or decrease the number of individuals subject to the rule's applicability.

8. The new section will not negatively or positively affect the state's economy.

b. ADVERSE ECONOMIC IMPACT ON SMALL OR MICRO-BUSINESSES OR RURAL COMMUNITIES AND REGULATORY FLEXIBILITY REQUIRED BY TEX. GOV'T CODE §2006.002.

The Department has evaluated the new section and determined that it will not create an economic effect on small or micro-businesses or rural communities.

c. TAKINGS IMPACT ASSESSMENT REQUIRED BY TEX. GOV'T CODE §2007.043. The new section does not contemplate or authorize a taking by the Department; therefore, no Takings Impact Assessment is required.

d. LOCAL EMPLOYMENT IMPACT STATEMENTS REQUIRED BY TEX. GOV'T CODE §2001.024(a)(6).

The Department has evaluated the new section as to its possible effects on local economies and has determined that for the first five years the new section would be in effect there would be no economic effect on local employment; therefore, no local employment impact statement is required to be prepared for the rule.

e. PUBLIC BENEFIT/COST NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(5). Mr. Wilkinson has determined that, for each year of the first five years the new section is in effect, the public benefit anticipated as a result of the new section would be a clearer rule relating to compliance with Texas Grant Management Standards, version 2.1. There will not be economic costs to individuals required to comply with the new section.

f. FISCAL NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(4). Mr. Wilkinson also has determined that for each year of the first five years the new section is in effect, enforcing or administering the section does not have any foreseeable implications related to costs or revenues of the state or local governments.

REQUEST FOR PUBLIC COMMENT AND INFORMATION RELATED TO COST, BENEFIT OR EFFECT. The Department requests comments on the proposed new section and also requests information related to the cost, benefit, or effect of the proposed new section, including any applicable data, research, or analysis from any person required to comply with the repeal or any other interested person. The public comment period will be held November 21, 2025 to December 21, 2025, to receive input on the proposed action. Comments may be submitted to the Texas Department of Housing and Community Affairs, Attn: Brooke Boston at brooke.boston@tdhca.state.tx.us. ALL COMMENTS MUST BE RECEIVED BY 5:00 p.m., Austin local (Central) time, December 21, 2025.

STATUTORY AUTHORITY. The new section is proposed pursuant to Tex. Gov't Code §2306.053, which authorizes the Department to adopt rules.

Except as described herein the new section affects no other code, article, or statute.

§1.401. Effective Dates and Definitions.

(a) Revisions to this Subchapter reflect updates to 2 CFR Part 180 and 2 CFR Part 200, which are generally effective for Contracts executed on or after October 1, 2024. This rule also reflects conformance with the Texas Grant Management Standards Version (TxGMS) 2.0 and 2.1 published by the Texas Comptroller of Public Accounts in October 2024 and October 2025, respectively. TxGMS 2.0 may be incorporated into Contracts executed on or after October 1, 2024 or Contracts with nonprofit organizations that administer state funds where funds are added on or after October 1, 2024. TxGMS 2.1 is effective for Contracts with local governments and block grants subject to Chapter 2105 of the Tex. Gov't Code executed on or after October 1, 2025 or where funds are added on or after October 1, 2025. TxGMS 2.1 will be incorporated into Contracts with nonprofit organizations that administer state funds, that are executed after the effective date of this rule, and may be incorporated into Contracts where funds are added after the effective date of this rule. Previous versions of these rules as memorialized in Contracts will continue to be effective unless the Contract is amended to reflect TxGMS 2.1.

(b) Definitions. The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise. Capitalized words used herein have the meaning assigned in the specific Chapters and Rules of this title that govern the program associated with the request, or assigned by federal or state law.

(1) Affiliate--Shall have the meaning assigned by the specific program or programs described in this part.

(2) Department--The Texas Department of Housing and Community Affairs.

(3) Equipment--Tangible personal property having a useful life of more than one year or a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by entity for financial statement purposes, or \$10,000.

(4) Professional services--For a unit of government is as defined by state law. For Private Nonprofit Organizations it means services:

(A) within the scope of the practice, as defined by state law, of:

- (i) accounting;
- (ii) architecture;
- (iii) landscape architecture;
- (iv) land surveying;
- (v) medicine;
- (vi) optometry;
- (vii) professional engineering;
- (viii) real estate appraising;
- (ix) professional nursing; or
- (x) legal services; or

(B) provided in connection with the professional employment or practice of a person who is licensed or registered as:

- (i) a certified public accountant;
- (ii) an architect;
- (iii) a landscape architect;
- (iv) a land surveyor;

- (v) a physician, including a surgeon;
- (vi) an optometrist;
- (vii) a professional engineer;
- (viii) a state certified or state licensed real estate appraiser;

- (ix) attorney; or
- (x) a registered nurse.

(5) Single Audit--The audit required by Office of Management and Budget (OMB), 2 CFR Part 200, Subpart F, or Tex. Gov't Code, chapter 783, Uniform Grant and Contract Management, as reflected in an audit report.

(6) Single Audit Certification Form--A form that lists the source(s) and amount(s) of Federal funds and/or State funds expended by the Subrecipient during their fiscal year along with the outstanding balance of any loans made with federal or state funds if there are continuing compliance requirements other than repayment of the loan.

(7) Subrecipient--Includes an entity receiving or applying for federal or state funds from the Department under Chapters 6, 7, 20, 23, 24, 25, or 26 as identified by Contract or in this subchapter. Except as otherwise noted in this subchapter or by Contract, the definition does not include Applicants/Owners who have applied for and/or received funds for rental development, except for CHDO Operating funds, NCO Nonprofit Capacity Building, NCO Operating Assistance, a grant made to a unit of government or nonprofit organization, or Affiliate with state funds, or TCAP-RF grants or loans when made to a unit of government or nonprofit organization or Affiliate. Except as otherwise noted in this subchapter or by Contract, this definition does not include vendors having been procured by the Department for goods or services. A Subrecipient may also be referred to as Administrator.

(8) Supplies--Means tangible personal property other than "Equipment" in this section.

(9) Texas Grant Management Standards (TxGMS)--The standardized set of financial management procedures and definitions established by Tex. Gov't Code, chapter 783 regarding Uniform Grant and Contract Management to promote the efficient use of public funds by requiring consistency among grantor agencies in their dealings with grantees, and by ensuring accountability for the expenditure of public funds. This includes TxGMS Version 2.1 published by the Texas Comptroller of Public Accounts in October 2025. State agencies are required to adhere to these standards when administering grants and other financial assistance agreements with cities, counties and other political subdivisions of the state. This includes all Public Organizations including public housing and housing finance agencies. In addition, Tex. Gov't Code Chapter 2105, regarding Administration of Block Grants, subjects Subrecipients of federal block grants (as defined therein) to TXGMS.

(10) Uniform Grant Management Standards (UGMS)--The standardized set of financial management procedures used by the Department in Contracts that began before January 1, 2022.

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 November 7, 2025.

TRD-202504053

Bobby Wilkinson
Executive Director
Texas Department of Housing and Community Affairs
Earliest possible date of adoption: December 21, 2025
For further information, please call: (512) 475-3959



10 TAC §1.403

The Texas Department of Housing and Community Affairs (the Department) proposes the repeal of 10 TAC Chapter 1, Subchapter D, Uniform Guidance for Recipients of Federal and State Funds, §1.403 Single Audit Requirements. The purpose of the proposed repeal is to eliminate the outdated rule and replace it simultaneously with a new more germane rule.

Tex. Gov't Code §2001.0045(b) does not apply to the rule proposed for action because it was determined that no costs are associated with this action, and therefore no costs warrant being offset.

The Department has analyzed this proposed rulemaking and the analysis is described below for each category of analysis performed.

a. GOVERNMENT GROWTH IMPACT STATEMENT REQUIRED BY TEX. GOV'T CODE §2001.0221.

Mr. Bobby Wilkinson has determined that, for the first five years the repeal would be in effect:

1. The repeal does not create or eliminate a government program but relates to changes to an existing activity: requirements relating to single audits.
2. The repeal does not require a change in work that would require the creation of new employee positions, nor are the rule changes significant enough to reduce work load to a degree that eliminates any existing employee positions.
3. The repeal does not require additional future legislative appropriations.
4. The repeal will not result in an increase in fees paid to the Department, nor in a decrease in fees paid to the Department.
5. The repeal is not creating a new regulation, except that it is being replaced by a new rule simultaneously to provide for revisions.
6. The repeal will not expand, limit, or repeal an existing regulation.
7. The repeal will not increase or decrease the number of individuals subject to the rule's applicability.
8. The repeal will not negatively or positively affect the state's economy.

b. ADVERSE ECONOMIC IMPACT ON SMALL OR MICRO-BUSINESSES OR RURAL COMMUNITIES AND REGULATORY FLEXIBILITY REQUIRED BY TEX. GOV'T CODE §2006.002.

The Department has evaluated the repeal and determined that the repeal will not create an economic effect on small or micro-businesses or rural communities.

c. TAKINGS IMPACT ASSESSMENT REQUIRED BY TEX. GOV'T CODE §2007.043. The repeal does not contemplate or authorize a taking by the Department; therefore, no Takings Impact Assessment is required.

d. LOCAL EMPLOYMENT IMPACT STATEMENTS REQUIRED BY TEX. GOV'T CODE §2001.024(a)(6).

The Department has evaluated the repeal as to its possible effects on local economies and has determined that for the first five years the repeal would be in effect there would be no economic effect on local employment; therefore, no local employment impact statement is required to be prepared for the rule.

e. PUBLIC BENEFIT/COST NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(5). Mr. Wilkinson has determined that, for each year of the first five years the repeal is in effect, the public benefit anticipated as a result of the changed sections would be an updated and more germane rule. There will not be economic costs to individuals required to comply with the repealed section.

f. FISCAL NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(4). Mr. Wilkinson also has determined that for each year of the first five years the repeal is in effect, enforcing or administering the repeal does not have any foreseeable implications related to costs or revenues of the state or local governments.

REQUEST FOR PUBLIC COMMENT AND INFORMATION RELATED TO COST, BENEFIT OR EFFECT. The Department requests comments on the proposed repeal and also requests information related to the cost, benefit, or effect of the proposed repeal, including any applicable data, research, or analysis from any person required to comply with the repeal or any other interested person. The public comment period will be held November 21, 2025 to December 21, 2025, to receive input on the proposed action. Comments may be submitted to the Texas Department of Housing and Community Affairs, Attn: Brooke Boston at brooke.boston@tdhca.state.tx.us. **ALL COMMENTS MUST BE RECEIVED BY 5:00 p.m., Austin local (Central) time, December 21, 2025.**

STATUTORY AUTHORITY. The repeal is made pursuant to Tex. Gov't Code §2306.053, which authorizes the Department to adopt rules.

Except as described herein the repeal affects no other code, article, or statute.

§1.403. Single Audit Requirements.

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 November 7, 2025.

TRD-202504054

Bobby Wilkinson

Executive Director

Texas Department of Housing and Community Affairs

Earliest possible date of adoption: December 21, 2025

For further information, please call: (512) 475-3959



10 TAC §1.403

The Texas Department of Housing and Community Affairs (the Department) proposes new 10 TAC Chapter 1, Subchapter D, Uniform Guidance for Recipients of Federal and State Funds, §1.403 Single Audit Requirements. The purpose of the new section is to provide greater clarity in relation to the findings that may

be identified in a single audit that would warrant the Department to not fund, or to stop funding, a given contract.

Tex. Gov't Code §2001.0045(b) does not apply to the rule because it was determined that no costs are associated with this action, and therefore no costs warrant being offset.

The Department has analyzed this rulemaking and the analysis is described below for each category of analysis performed.

a. GOVERNMENT GROWTH IMPACT STATEMENT REQUIRED BY TEX. GOV'T CODE §2001.0221.

Mr. Bobby Wilkinson has determined that, for the first five years the new section would be in effect:

1. The new section does not create or eliminate a government program but relates to updates to existing requirements for recipients of Department funds.
2. The new section does not require a change in work that would require the creation of new employee positions, nor are the rule changes significant enough to reduce work load to a degree that eliminates any existing employee positions.
3. The new section does not require additional future legislative appropriations.
4. The new section will not result in an increase in fees paid to the Department, nor in a decrease in fees paid to the Department.
5. The new section is not creating a new regulation, except that it is replacing a section being repealed simultaneously to provide for revisions.
6. The new section will not expand, limit, or repeal an existing regulation.
7. The new section will not increase or decrease the number of individuals subject to the rule's applicability.
8. The new section will not negatively or positively affect the state's economy.

b. ADVERSE ECONOMIC IMPACT ON SMALL OR MICRO-BUSINESSES OR RURAL COMMUNITIES AND REGULATORY FLEXIBILITY REQUIRED BY TEX. GOV'T CODE §2006.002.

The Department has evaluated the new section and determined that it will not create an economic effect on small or micro-businesses or rural communities.

c. TAKINGS IMPACT ASSESSMENT REQUIRED BY TEX. GOV'T CODE §2007.043. The new section does not contemplate or authorize a taking by the Department; therefore, no Takings Impact Assessment is required.

d. LOCAL EMPLOYMENT IMPACT STATEMENTS REQUIRED BY TEX. GOV'T CODE §2001.024(a)(6).

The Department has evaluated the new section as to its possible effects on local economies and has determined that for the first five years the new section would be in effect there would be no economic effect on local employment; therefore, no local employment impact statement is required to be prepared for the rule.

e. PUBLIC BENEFIT/COST NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(5). Mr. Wilkinson has determined that, for each year of the first five years the new section is in effect, the public benefit anticipated as a result of the new section would be a clearer rule relating to when single audit findings are significant

enough to warrant not funding, or stopping funding, a contract. There will not be economic costs to individuals required to comply with the new section.

f. **FISCAL NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(4).** Mr. Wilkinson also has determined that for each year of the first five years the new section is in effect, enforcing or administering the section does not have any foreseeable implications related to costs or revenues of the state or local governments.

REQUEST FOR PUBLIC COMMENT AND INFORMATION RELATED TO COST, BENEFIT OR EFFECT. The Department requests comments on the proposed new rule and also requests information related to the cost, benefit, or effect of the proposed new rule, including any applicable data, research, or analysis from any person required to comply with the rule or any other interested person. The public comment period will be held November 21, 2025 to December 21, 2025, to receive input on the proposed action. Comments may be submitted to the Texas Department of Housing and Community Affairs, Attn: Brooke Boston at brooke.boston@tdhca.state.tx.us. **ALL COMMENTS MUST BE RECEIVED BY 5:00 p.m., Austin local (Central) time, December 21, 2025.**

STATUTORY AUTHORITY. The new section is proposed pursuant to Tex. Gov't Code §2306.053, which authorizes the Department to adopt rules.

Except as described herein the new section affects no other code, article, or statute.

§1.403. Single Audit Requirements.

(a) For this section, the word Subrecipient also includes Multifamily Development Owners who have applied for or received Direct Loan Funds, grants or 811 PRA funds from the Department who are or have an Affiliate that is required to submit a Single Audit, i.e. units of government, nonprofit organizations.

(b) Procurement of a Single Auditor. A Subrecipient or Affiliate must procure their single auditor in the following manner unless subject to a different requirement in the Local Government Code:

(1) Competitive Proposal procedures whereby competitors' qualifications are evaluated and a contract awarded to the most qualified competitor. Proposals should be advertised broadly, which may include going outside the entity's service area, and solicited from an adequate number (usually two or more) of qualified sources. Procurements must be conducted in a manner that prohibits the use of in-state or local geographical preferences in the evaluation of bids or proposals;

(2) A Subrecipient may not use the sealed bid method for procurement of the Single Auditor. There is no requirement that the selected audit firm be geographically located near the Subrecipient. If a Subrecipient does not receive proposals from firms with appropriate experience or responses with a price that is not reasonable compared to the cost price analysis, the submissions must be rejected and procurement must be re-performed.

(c) A Subrecipient or Affiliate must confirm that it is contracting with an audit firm that is properly licensed to perform the Single Audit and is not on a limited scope status or under any other sanction, reprimand or violation with the Texas State Board of Public Accountability. The Subrecipient must ensure that the Single Audit is performed in accordance with the limitations on the auditor's license.

(d) A Subrecipient is required to submit a Single Audit Certification form within two (2) months after the end of its fiscal year indicating the amount they expended in Federal and State funds during

the fiscal year and the outstanding balance of any loans made with federal funds if there are continuing compliance requirements other than repayment of the loan.

(e) A Subrecipient that expends \$1,000,000 or more in an entity's fiscal year that starts on or after October 1, 2024 (or in the case of an entity's fiscal years starting before October 1, 2024, \$750,000 or more) in federal and/or state awards or have an outstanding loan balance associated with a federal or state resource of \$1,000,000 or \$750,000 (as applicable for the fiscal year) with continuing compliance requirements, or a combination thereof must have a Single Audit or program-specific audit conducted. If the Subrecipient's Single Audit is required by 2 CFR 200, subpart F, the report must be submitted to the Federal Audit Clearinghouse the earlier of 30 calendar days after receipt of the auditor's report or nine (9) months after the end of its respective fiscal year. If a Single Audit is required but not under 2 CFR Part 200, subpart F, the report must be submitted to the Department the earlier of 30 calendar days after receipt of the auditor's report or nine months after the end of its respective fiscal year. If the deadline is on a Saturday, Sunday, federal holiday (for a Single Audit required to be submitted to the Federal Audit Clearinghouse), or a state holiday (for a Single Audit required to be submitted to the Department), the deadline is the next business day.

(f) A Subrecipient is required to submit a notification to the Department within five business days of submission to the Federal Audit Clearinghouse. Along with the notice, the Subrecipient must indicate if the auditor issued a management letter. If a management letter was issued by the auditor, a copy must be sent to the Department.

(g) The Department will review the Single Audit and issue a management decision letter for audit findings pertaining to the Federal or State award provided to the Subrecipient from the Department. If the Single Audit results in disallowed costs, those amounts must be repaid or an acceptable repayment plan must be entered into with the Department in accordance with 10 TAC §1.21 (relating to Action by Department if Outstanding Balances Exist).

(h) In evaluating a Single Audit, the Department will consider both audit findings and management responses in its review. The Department will notify Subrecipients and Affiliates (if applicable) of any Deficiencies or Findings from within the Single Audit for which the Department requires additional information or clarification and will provide a deadline by which that resolution must occur.

(i) The Subrecipient may submit written comments for consideration within five business days of the Department's management decision letter.

(j) If the Subrecipient disagrees with the auditors finding(s), and the issue is related to administration of one of the Department's programs, an appeal process is available to provide an opportunity for the auditee to explain its disagreement to the Department. This is not an appeal of audit findings themselves. The Subrecipient may submit a letter of appeal and documentation to support the appeal. The Department will take the documentation and written appeal into consideration prior to issuing a management decision letter. If the Subrecipient does not disagree with the auditor's finding, no appeal to the Department is available.

(k) In accordance with 2 CFR Part 200 and the State of Texas Single Audit Circular §225, with the exception of nondiscretionary CSBG funds except as otherwise required by federal laws or regulations, the Department may suspend and cease payments under all active Contracts, may elect not to recommend an award to the Board, may refrain from executing a reservation agreement or associated commitment of funds under a reservation agreement, or may refrain from executing a new Contract for any Board awarded contracts if any of the

issues identified in paragraphs (1) - (3) of this subsection occur. The Department may also use its discretion to withhold a contract or funding associated with the Single Audit based on the type of Department program for which the Subrecipient is applying. Multifamily Development Owners that are applying for or have received an award for Multifamily Direct Loans will be evaluated against the criteria in this subsection for consideration or reconsideration only before loan closing.

(1) the Single Audit is not received in accordance with the submission requirements detailed in subsection (e) and (f) of this section;

(2) the required Single Audit Certification form detailed in subsection (d) of this section is not received; or

(3) if any of the following issues have been identified:

(A) in the most recent Single Audit:

(i) the Single Audit identifies the Subrecipient as a 'going concern';

(ii) the Single Audit identifies that the Subrecipient has systemic inadequate fiscal controls or ineffective financial processes;

(iii) the Single Audit identifies one or more material weaknesses that relate to the responsibilities associated with the program to be funded;

(iv) the Single Audit identifies a combination of weaknesses and deficiencies that when taken together reflect a high risk for noncompliant use of state or federal funds; or

(v) the Single Audit has received a Modified, Adverse or Disclaimed determination by the auditor;

(B) in at least two of the last three Single Audits for which the findings have not been corrected:

(i) the Single Audits identify inaccurate reporting specific to Department funded programs;

(ii) the Single Audits identify questioned costs related to Department funded programs;

(iii) the Single Audits identify questioned costs relating to cross-cutting administrative or operational expenses such as cost allocation, procurement, or payroll;

(iv) the Single Audits identify that there is inadequate separation of duties; or

(v) the Single Audits identify a combination of weaknesses and deficiencies that when taken together reflect a high risk for noncompliant use of state or federal funds.

(l) In accordance with Subchapter C of this Chapter (relating to Previous Participation Reviews), if a Subrecipient applies for funding or an award from the Department, findings noted in the Single Audit and the failure to timely submit a Single Audit Certification Form or Single Audit will be reported to the Executive Director.

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 November 7, 2025.

TRD-202504055

Bobby Wilkinson

Executive Director

Texas Department of Housing and Community Affairs

Earliest possible date of adoption: December 21, 2025

For further information, please call: (512) 475-3959



10 TAC §1.406

The Texas Department of Housing and Community Affairs (the Department) proposes the repeal of 10 TAC Chapter 1, Subchapter D, Uniform Guidance for Recipients of Federal and State Funds, §1.406 Fidelity Bond Requirements. The purpose of the proposed repeal is to eliminate the outdated rule and replace it simultaneously with a new rule that provides greater risk mitigation for the Department as it relates to fidelity bond coverage of the Department's subrecipients.

Tex. Gov't Code §2001.0045(b) does not apply to the rule proposed for repeal because there are no costs associated with the repeal.

The Department has analyzed this proposed rulemaking and the analysis is described below for each category of analysis performed.

a. GOVERNMENT GROWTH IMPACT STATEMENT REQUIRED BY TEX. GOV'T CODE §2001.0221.

Mr. Bobby Wilkinson has determined that, for the first five years the repeal would be in effect:

1. The repeal does not create or eliminate a government program but relates to changes to an existing activity: fidelity bond requirements.
2. The repeal does not require a change in work that creates new employee positions nor does it generate savings that would eliminate any employee positions.
3. The repeal does not require additional future legislative appropriations.
4. The repeal will not result in an increase in fees paid to the Department, nor in a decrease in fees paid to the Department.
5. The repeal is not creating a new regulation, except that it is being replaced by a new rule simultaneously to provide for revisions.
6. The repeal is not considered to expand an existing regulation.
7. The repeal does not increase the number of individuals subject to the rule's applicability.
8. The repeal will not negatively or positively affect the state's economy.

b. ADVERSE ECONOMIC IMPACT ON SMALL OR MICRO-BUSINESSES OR RURAL COMMUNITIES AND REGULATORY FLEXIBILITY REQUIRED BY TEX. GOV'T CODE §2006.002.

The Department has evaluated the repeal and determined that the repeal will not create an economic effect on small or micro-businesses or rural communities.

c. TAKINGS IMPACT ASSESSMENT REQUIRED BY TEX. GOV'T CODE §2007.043. The repeal does not contemplate or authorize a taking by the Department; therefore, no Takings Impact Assessment is required.

d. LOCAL EMPLOYMENT IMPACT STATEMENTS REQUIRED BY TEX. GOV'T CODE §2001.024(a)(6).

The Department has evaluated the repeal as to its possible effects on local economies and has determined that for the first five years the repeal would be in effect there would be no economic effect on local employment; therefore, no local employment impact statement is required to be prepared for the rule.

e. PUBLIC BENEFIT/COST NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(5). Mr. Wilkinson has determined that, for each year of the first five years the repeal is in effect, the public benefit anticipated as a result of the changed sections would be an updated and more germane rule, and greater risk mitigation or the Department. There will not be economic costs to individuals required to comply with the repealed section.

f. FISCAL NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(4). Mr. Wilkinson also has determined that for each year of the first five years the repeal is in effect, enforcing or administering the repeal does not have any foreseeable implications related to costs or revenues of the state or local governments.

REQUEST FOR PUBLIC COMMENT AND INFORMATION RELATED TO COST, BENEFIT OR EFFECT. The Department requests comments on the rule and also requests information related to the cost, benefit, or effect of the proposed rule, including 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 will be held November 21 to December 21, 2025, to receive input on the proposed action. Comments may be submitted to the Texas Department of Housing and Community Affairs, Attn: Brooke Boston at brooke.boston@tdhca.texas.gov. **ALL COMMENTS AND INFORMATION MUST BE RECEIVED BY 5:00 p.m., Austin local (Central) time, December 21, 2025.**

STATUTORY AUTHORITY. The repeal is made pursuant to Tex. Gov't Code §2306.053, which authorizes the Department to adopt rules.

Except as described herein the repeal affects no other code, article, or statute.

§1.406. Fidelity Bond Requirements.

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 November 7, 2025.

TRD-202504056

Bobby Wilkinson

Executive Director

Texas Department of Housing and Community Affairs

Earliest possible date of adoption: December 21, 2025

For further information, please call: (512) 475-3959



10 TAC §1.406

The Texas Department of Housing and Community Affairs (the Department) proposes new 10 TAC Chapter 1, Subchapter D, Uniform Guidance for Recipients of Federal and State Funds, §1.406 Fidelity Bond Requirements. The purpose of the pro-

posed rule is to eliminate the outdated rule and replace it simultaneously with a new rule that provides greater risk mitigation for the Department as it relates to fidelity bond coverage of the Department's subrecipients.

Tex. Gov't Code §2001.0045(b) does apply to the rule proposed because there are no costs associated with this action.

The Department has analyzed this rulemaking and the analysis is described below for each category of analysis performed.

a. GOVERNMENT GROWTH IMPACT STATEMENT REQUIRED BY TEX. GOV'T CODE §2001.0221.

Mr. Bobby Wilkinson has determined that, for the first five years the new section would be in effect:

1. The rule does not create or eliminate a government program but relates to changes to an existing activity: fidelity bond requirements.
2. The rule does not require a change in work that creates new employee positions nor does it generate savings that would eliminate any employee positions.
3. The new section does not require additional future legislative appropriations.
4. The new section will not result in an increase in fees paid to the Department, nor in a decrease in fees paid to the Department.
5. The new section is not creating a new regulation.
6. The new section does expand on an existing regulation.
7. The new section will not increase or decrease the number of individuals subject to the rule's applicability.
8. The new section will not negatively or positively affect the state's economy.

b. ADVERSE ECONOMIC IMPACT ON SMALL OR MICRO-BUSINESSES OR RURAL COMMUNITIES AND REGULATORY FLEXIBILITY REQUIRED BY TEX. GOV'T CODE §2006.002.

The Department has evaluated the new section and determined that it will not create an economic effect on small or micro-businesses or rural communities.

c. TAKINGS IMPACT ASSESSMENT REQUIRED BY TEX. GOV'T CODE §2007.043. The new section does not contemplate or authorize a taking by the Department; therefore, no Takings Impact Assessment is required.

d. LOCAL EMPLOYMENT IMPACT STATEMENTS REQUIRED BY TEX. GOV'T CODE §2001.024(a)(6).

The Department has evaluated the new section as to its possible effects on local economies and has determined that for the first five years the new section would be in effect there would be no economic effect on local employment; therefore, no local employment impact statement is required to be prepared for the rule.

e. PUBLIC BENEFIT/COST NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(5). Mr. Wilkinson has determined that, for each year of the first five years the new section is in effect, the public benefit anticipated as a result of the new section would be a rule that provides clarity around fidelity bond requirements and better mitigates Department risk. There may be minimal costs to some program participant organizations that could be readily absorbed by the administrative funds provided by TDHCA.

f. FISCAL NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(4). Mr. Wilkinson also has determined that for each year of the first five years the new section is in effect, enforcing or administering the section will not have costs to the state to implement. No additional funds will be required.

REQUEST FOR PUBLIC COMMENT AND INFORMATION RELATED TO COST, BENEFIT OR EFFECT. The Department requests comments on the rule and also requests information related to the cost, benefit, or effect of the proposed rule, including 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 will be held November 21 to December 21, 2025, to receive input on the proposed action. Comments may be submitted to the Texas Department of Housing and Community Affairs, Attn: Brooke Boston at brooke.boston@tdhca.texas.gov. ALL COMMENTS AND INFORMATION MUST BE RECEIVED BY 5:00 p.m., Austin local (Central) time, December 21, 2025.

STATUTORY AUTHORITY. The new section is made pursuant to Tex. Gov't Code §2306.053, which authorizes the Department to adopt rules.

Except as described herein the new section affects no other code, article, or statute.

§1.406. Fidelity Bond Requirements.

The Department is required to assure that fiscal control and accounting procedures for federal and state funded entities will be established to assure the proper disbursement and accounting for the federal funds paid to the state. In compliance with that assurance the Department requires program Subrecipients administering federal or state funds to maintain adequate fidelity bond coverage. A fidelity bond is a bond indemnifying the Subrecipient against losses resulting from the fraud or lack of integrity, honesty or fidelity of one or more of its employees, officers, or other persons holding a position of trust.

(1) In administering Contracts, Subrecipients shall observe their regular requirements and practices with respect to bonding and insurance. In addition, the Department may impose bonding and insurance requirements by Contract.

(2) If a Subrecipient is a non-governmental organization, the Department requires an adequate fidelity bond. If the amount of the fidelity bond is not prescribed in the contract, the fidelity bond must be for at least the greater of \$50,000 or 10% of the Contract amount. In the event that the Subrecipient is administering a Reservation Agreement, and the amount of funds committed under the Contract exceeds \$500,000, the amount of the fidelity bond must be increased to ensure that the amount meets or exceeds 10% of total funds reserved. The bond must be obtained from a company holding a certificate of authority to issue such bonds in the State of Texas.

(3) The fidelity bond coverage must include all persons authorized to sign or counter-sign checks or to disburse cash in an amount that exceeds \$250. Persons who handle only amounts of less than \$250 need not be bonded, nor is it necessary to bond officials who are authorized to sign payment vouchers, but are not authorized to sign or counter-sign checks or to disburse cash.

(4) The Subrecipient must receive an assurance letter from the bonding company or agency stating the type of bond, the amount and period of coverage, the positions covered, and the annual cost of the bond. Compliance must be continuously maintained thereafter. A copy of the actual policy shall remain on file with the Subrecipient and shall be subject to monitoring by the Department.

(5) Subrecipients are responsible for filing claims against the fidelity bond when a covered loss is discovered.

(6) The Department may take any one or more of the actions described in Chapter 2, of this Part, relating to Enforcement in association with issues identified as part of filing claims against the fidelity bond.

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 November 7, 2025.

TRD-202504057

Bobby Wilkinson

Executive Director

Texas Department of Housing and Community Affairs

Earliest possible date of adoption: December 21, 2025

For further information, please call: (512) 475-3959



10 TAC §1.410

The Texas Department of Housing and Community Affairs (the Department) proposes the repeal of 10 TAC Chapter 1, Subchapter D, Uniform Guidance for Recipients of Federal and State Funds, §1.410 Determination of Alien Status for Program Beneficiaries. The purpose of the proposed repeal is to eliminate the outdated rule and replace it simultaneously with a new rule that more closely aligns with Executive Order 14218 (Ending Taxpayer Subsidization of Open Borders) issued on February 19, 2025 by President Trump; A.G. Order No. 6335-2025 by the U.S. Attorney General (Revised Specification Pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996), the federal direction provided in 2025 grant agreements from the United States Department of Housing and Urban Development (HUD), and with Section 401(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) on Department programs, which provides that an alien who is not a qualified alien is not eligible for any federal public benefit.

Tex. Gov't Code §2001.0045(b) does not apply to the rule proposed for repeal because there are no costs associated with the repeal.

The Department has analyzed this proposed rulemaking and the analysis is described below for each category of analysis performed.

a. GOVERNMENT GROWTH IMPACT STATEMENT REQUIRED BY TEX. GOV'T CODE §2001.0221.

Mr. Bobby Wilkinson has determined that, for the first five years the repeal would be in effect:

1. The repeal does not create or eliminate a government program but relates to changes to an existing activity: the implementation of Executive Order 14218 (Ending Taxpayer Subsidization of Open Borders) issued on February 19, 2025 by President Trump, A.G. Order No. 6335-2025 by the U.S. Attorney General (Revised Specification Pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996), and in the implementation and applicability of Section 401(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA).

2. The repeal does not require a change in work that creates new employee positions.
3. The repeal does not require additional future legislative appropriations.
4. The repeal will not result in an increase in fees paid to the Department, nor in a decrease in fees paid to the Department.
5. The repeal is not creating a new regulation, except that it is being replaced by a new rule simultaneously to provide for revisions.
6. The repeal is not considered to expand an existing regulation.
7. The repeal does not increase the number of individuals subject to the rule's applicability.
8. The repeal will not negatively or positively affect the state's economy.

b. ADVERSE ECONOMIC IMPACT ON SMALL OR MICRO-BUSINESSES OR RURAL COMMUNITIES AND REGULATORY FLEXIBILITY REQUIRED BY TEX. GOV'T CODE §2006.002.

The Department has evaluated the repeal and determined that the repeal will not create an economic effect on small or micro-businesses or rural communities.

c. TAKINGS IMPACT ASSESSMENT REQUIRED BY TEX. GOV'T CODE §2007.043. The repeal does not contemplate or authorize a taking by the Department; therefore, no Takings Impact Assessment is required.

d. LOCAL EMPLOYMENT IMPACT STATEMENTS REQUIRED BY TEX. GOV'T CODE §2001.024(a)(6).

The Department has evaluated the repeal as to its possible effects on local economies and has determined that for the first five years the repeal would be in effect there would be no economic effect on local employment; therefore, no local employment impact statement is required to be prepared for the rule.

e. PUBLIC BENEFIT/COST NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(5). Mr. Wilkinson has determined that, for each year of the first five years the repeal is in effect, the public benefit anticipated as a result of the changed sections would be an updated and more germane rule. There will not be economic costs to individuals required to comply with the repealed section.

f. FISCAL NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(4). Mr. Wilkinson also has determined that for each year of the first five years the repeal is in effect, enforcing or administering the repeal does not have any foreseeable implications related to costs or revenues of the state or local governments.

REQUEST FOR PUBLIC COMMENT AND INFORMATION RELATED TO COST, BENEFIT OR EFFECT. The Department requests comments on the rule and also requests information related to the cost, benefit, or effect of the proposed rule, including 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 will be held November 21 to December 21, 2025, to receive input on the proposed action. Comments may be submitted to the Texas Department of Housing and Community Affairs, Attn: Brooke Boston at brooke.boston@tdhca.texas.gov. **ALL COMMENTS AND INFORMATION MUST BE RECEIVED BY 5:00 p.m., Austin local (Central) time, December 21, 2025.**

STATUTORY AUTHORITY. The repeal is made pursuant to Tex. Gov't Code §2306.053, which authorizes the Department to adopt rules.

Except as described herein the repeal affects no other code, article, or statute.

§1.410. Determination of Alien Status for Program Beneficiaries.

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 November 7, 2025.

TRD-202504058

Bobby Wilkinson

Executive Director

Texas Department of Housing and Community Affairs

Earliest possible date of adoption: December 21, 2025

For further information, please call: (512) 475-3959



10 TAC §1.410

The Texas Department of Housing and Community Affairs (the Department) proposes new 10 TAC Chapter 1, Subchapter D, Uniform Guidance for Recipients of Federal and State Funds, §1.410 Determination of Alien Status for Program Beneficiaries. The purpose of the proposed rule is to eliminate the outdated rule and replace it simultaneously with a new rule that more closely aligns with Executive Order 14218 (Ending Taxpayer Subsidization of Open Borders) issued on February 19, 2025 by President Trump, A.G. Order No. 6335-2025 by the U.S. Attorney General (Revised Specification Pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996), the federal direction provided in 2025 grant agreements from the United States Department of Housing and Urban Development (HUD), and in the implementation and applicability of Section 401(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) on Department programs, which provides that an alien who is not a qualified alien is not eligible for any federal public benefit.

Tex. Gov't Code §2001.0045(b) does apply to the rule proposed because there are some costs associated with this action. However, in order to ensure compliance with Executive Order 14218, A.G. Order No. 6335-2025 by the U.S. Attorney General (Revised Specification Pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996), the federal HUD grant agreements, and PRWORA this rule is being revised. Sufficient existing state and/or federal administrative funds associated with the applicable programs are available to offset costs. No additional funds will be needed to implement this rule.

The Department has analyzed this rulemaking and the analysis is described below for each category of analysis performed.

a. GOVERNMENT GROWTH IMPACT STATEMENT REQUIRED BY TEX. GOV'T CODE §2001.0221.

Mr. Bobby Wilkinson has determined that, for the first five years the new sections would be in effect:

1. The rule does not create or eliminate a government program but relates to changes to an existing activity: the verification of program participant eligibility as it relates to the implementation of Executive Order 14218 (Ending Taxpayer Subsidiza-

tion of Open Borders) issued on February 19, 2025 by President Trump, A.G. Order No. 6335-2025 by the U.S. Attorney General (Revised Specification Pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996), the federal direction provided in the Department's 2025 grant agreements from HUD, and in the implementation and applicability of Section 401(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA).

2. The rule may require a change in work that could require the creation of approximately 2 new employee positions to perform the client verifications.

3. The new section does not require additional future legislative appropriations.

4. The new section will not result in an increase in fees paid to the Department, nor in a decrease in fees paid to the Department.

5. The new section is not creating a new regulation.

6. The new section does expand on an existing regulation.

7. The new section will increase the number of individuals subject to the rule's applicability as well as increase the number of Department subrecipients subject to the rule in an effort to ensure that public benefits are being used only for qualified households.

8. The new section will not negatively or positively affect the state's economy.

b. ADVERSE ECONOMIC IMPACT ON SMALL OR MICRO-BUSINESSES OR RURAL COMMUNITIES AND REGULATORY FLEXIBILITY REQUIRED BY TEX. GOV'T CODE §2006.002.

The Department has evaluated the new section and determined that it will not create an economic effect on small or micro-businesses or rural communities.

c. TAKINGS IMPACT ASSESSMENT REQUIRED BY TEX. GOV'T CODE §2007.043. The new section does not contemplate or authorize a taking by the Department; therefore, no Takings Impact Assessment is required.

d. LOCAL EMPLOYMENT IMPACT STATEMENTS REQUIRED BY TEX. GOV'T CODE §2001.024(a)(6).

The Department has evaluated the new section as to its possible effects on local economies and has determined that for the first five years the new section would be in effect there would be no economic effect on local employment; therefore, no local employment impact statement is required to be prepared for the rule.

e. PUBLIC BENEFIT/COST NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(5). Mr. Wilkinson has determined that, for each year of the first five years the new section is in effect, the public benefit anticipated as a result of the new section would be a rule that is in alignment with Executive Order 14218 (Ending Taxpayer Subsidization of Open Borders) issued on February 19, 2025 by President Trump, in compliance with direction provided by HUD for the HOME and NHTF programs, and in the implementation and applicability of Section 401(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) and therefore ensures that public benefits are not received by unqualified aliens. There will not be economic costs to individuals required to comply with the new section.

f. FISCAL NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(4). Mr. Wilkinson also has determined that for each year of the first five years the new section is in effect, enforcing or administering the sections may have some costs to the state to implement the verification process and to the Department's subrecipients in administering the rule changes. However, sufficient state or federal administrative funds associated with the applicable programs are already available to offset costs. No additional funds will be required.

REQUEST FOR PUBLIC COMMENT AND INFORMATION RELATED TO COST, BENEFIT OR EFFECT. The Department requests comments on the rule and also requests information related to the cost, benefit, or effect of the proposed rule, including 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 will be held November 21 to December 21, 2025, to receive input on the proposed action. Comments may be submitted to the Texas Department of Housing and Community Affairs, Attn: Brooke Boston at brooke.boston@tdhca.texas.gov. ALL COMMENTS AND INFORMATION MUST BE RECEIVED BY 5:00 p.m., Austin local (Central) time, December 21, 2025.

STATUTORY AUTHORITY. The new section is made pursuant to Tex. Gov't Code §2306.053, which authorizes the Department to adopt rules.

Except as described herein the new section affects no other code, article, or statute.

§1.410. Determination of Alien Status for Program Beneficiaries.

(a) Purpose. The purpose of this section is to provide uniform Department guidance on Section 401(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), which provides that an alien who is not a Qualified Alien is not eligible for any federal or state public benefit.

(b) Definitions. The words and terms in this chapter shall have the meanings described in this subsection unless the context clearly indicates otherwise. Capitalized words used herein have the meaning assigned in the specific Chapters and Rules of this Title that govern the program under which program eligibility is seeking to be determined or assigned by federal or state law.

(1) Administrator--An entity that receives federal or state funds passed through the Department. The term includes, but is not limited, to a Subrecipient, State Recipient, Recipient, or a Developer of single-family housing for homeownership. The term also applies to a For Profit Entity having been procured by the Department to determine eligibility for federal or state funds and as otherwise reflected in the Contract.

(2) For Profit Entity--an Administrator that is neither a Public Organization nor a Nonprofit Charitable Organization.

(3) Nonprofit Charitable Organization--An entity that is organized and operated for purposes other than making gains or profits for the organization, its members or its shareholders, and is precluded from distributing any gains or profits to its members or shareholders; and is organized and operated for charitable purposes.

(4) Public Organization--An entity that is a Unit of Government or an organization established by a Unit of Government.

(5) Qualified Alien--A person that is not a U.S. Citizen or a U.S. National and is described at 8 U.S.C. §1641(b) or (c).

(6) State--The State of Texas or the Department, as indicated by context.

(7) Systematic Alien Verification for Entitlements (SAVE)-Automated intergovernmental database that allows authorized users to verify the immigration status of program applicants.

(c) Applicability for Federal Funds.

(1) The determination of whether a federal program, or activity type under a federal program, is a federal public benefit for purposes of PRWORA is made by the federal agency with administration of a program or activity. Block grants have been determined to be subject to PRWORA. The only circumstance in which the Department will not apply this section is in cases in which the PRWORA statute provides, or the administering federal agency has given clear direction, that an activity is explicitly not a federal public benefit and does not require verification.

(2) At the time of the publication of this rule, this rule applies to Contracts administered in the Single Family and Homeless Division and the Community Affairs Division for applicable federally funded Department programs including Low Income Home Energy Assistance Program, Department of Energy Weatherization Assistance Program, Community Services Block Grant Program, Community Development Block Grant Program, Emergency Solutions Grant Program, and to the extent used for single-family activities National Housing Trust Fund Program, Neighborhood Stabilization Program, the HOME Program and other programs as provided for in Administrator's Contracts or state guidance with an initial effective date on or after February 1, 2026, or for the Community Development Block Grant Program and HOME 2025 or later year funds added to an existing Contract. For those programs that operate reservation based funding methods this rule applies to Household Commitment Contracts with an initial effective date on or after February 1, 2026.

(3) The requirements of this section are applicable to Subrecipients of federal funds passed through the Department as described in paragraph (1) of this subsection. However, certain exemptions under PRWORA may exist on a case specific, or activity specific basis as further provided by the applicable federal agency.

(d) Applicability for State Funds. The Department has determined that State funds that are provided to a Subrecipient to be distributed directly to individuals, are a state public benefit. At the time of the publication of this rule, applicable state funded Department programs include TCAP-RF (to the extent used for single-family activities), the Homeless Housing and Services Program, the Amy Young Barrier Removal Program, and the Bootstrap Program and other programs as provided for in Administrator's Contracts or state guidance with an initial effective date on or after February 1, 2026. For those programs that operate reservation based funding methods this rule applies to Activity level commitment documents with an initial effective date on or after February 1, 2026.

(e) Exemptions and Benefit Calculations under PRWORA.

(1) If no exemptions under PRWORA are applicable to the activity type, as provided for by the federal agency or by the statute, then the Subrecipient must verify U.S. Citizen, U.S. National, or Qualified Alien status ("legal status") using the methods provided for in subsection (f) of this section and evaluate eligibility using the rules for the applicable program under this Title.

(2) Administrators should review Program Rules and Contracts for additional information, including how benefit calculations are adjusted for households in which not all members can be verified.

(f) Verification Process Under PRWORA for Programs with Subrecipients.

(1) Administrators may first seek to verify legal status through the use of several established documents as described more fully in guidance provided by the Department and in the Administrator's Contract. Only if unable to verify legal status with those documents will the SAVE system be utilized as described in this subsection.

(2) Public Organizations. Administrators that are Public Organizations are required to perform the verifications through the SAVE system.

(3) An Administrator is required to ensure compliance with the verification requirement as provided for in subparagraphs (A), (B) or (C) of this paragraph. Records must be maintained as required by subparagraph (D) of this paragraph. Notification of election of method must be provided in accordance with subparagraph (E) of this paragraph.

(A) The Subrecipient requesting from the household and transmitting to the Department, or a party contracted by the Department, sufficient information or documentation so that the Department or its vendor can perform such verification and provide a determination to the Subrecipient; OR

(B) As eligible, the Administrator electing to perform the verifications through the SAVE system, as authorized through the Department's access to such system; OR

(C) The Subrecipient electing to procure an eligible qualified organization to perform such verifications on its behalf, subject to Department approval.

(D) In the administration of subparagraph (A) of this paragraph, the Administrator must provide and maintain a sufficient method of electronic transmittal system that allows for such information to be provided to the Department or its vendor, and ensures the secure safekeeping of such paper and/or electronic files, and receipt of subsequent response back from the Department or its contracted party. In the administration of subparagraphs (B) or (C) of this paragraph, the Subrecipient or its procured provider must maintain sufficient evidence and documentation that verification has taken place so that such verification can be confirmed by the Department.

(E) Notification of Election of method under subsection (f)(4)(A) through (C) of this section by Nonprofit Charitable Organizations and For Profit Entities must be provided to the Department as specified in this subparagraph.

(i) For existing Applicants, Administrators with a Contract that is subject to Automatic Renewal, and Awardees or Administrators with a Reservation Contract. No later than 60 days after the effective date of this rule, all entities shall submit their election under subsection (f)(4)(A) through (C) of this section in writing to the applicable program director or his/her designee.

(ii) A new Applicant must make its election under subsection (f)(4)(A) through (C) of this section in its application, or if there is no Application prior to Contract execution.

(iii) For Administrators with no Application or Automatic Renewal once an election is made under this subsection or was made under a prior version of this rule, it does not need to be resubmitted or reelected, but will continue from the election made in the prior year unless the Administrator notifies the Department otherwise in writing at least three months prior to the renewal of the Contract (as applicable).

(iv) If an Administrator does not notify the Department of the election in writing by the deadline or refuses to abide by its election the Administrator will not be eligible to perform as an Admin-

istrator in the program, which is considered good cause for nonrenewal or termination of a Contract.

(g) The Department may further describe an Administrator's responsibilities under PRWORA, including but not limited to use of the SAVE system, in its Contract with the Administrator or in further guidance. Nothing in this rule shall be construed to be a waiver, ratification, or acceptance of noncompliant administration of a program prior to the rule becoming effective.

(h) Regardless of method of verification, the results of the verification performed or received by the Administrator must be utilized by the Administrator in determining household eligibility, benefits, income, or other programmatic designations as required by applicable federal program guidance or as determined by other Program Rules under this Title.

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 November 7, 2025.

TRD-202504059

Bobby Wilkinson

Executive Director

Texas Department of Housing and Community Affairs

Earliest possible date of adoption: December 21, 2025

For further information, please call: (512) 475-3959



CHAPTER 90. MIGRANT LABOR HOUSING FACILITIES

10 TAC §§90.1 - 90.9

The Texas Department of Housing and Community Affairs (the Department) proposes the repeal of 10 TAC Chapter 90 Migrant Labor Housing Facilities. The purpose of the proposed repeal is to eliminate the outdated rule and replace it simultaneously with a new more germane rule that now complies with, SB 243 (89th Regular Legislature) which added provisions to the Department's oversight and administration of Migrant Labor Housing Facilities. Changes include the addition of a new complaint process; notice; dismissal requirements; remediation of complaints in general and regarding certain violations; and prohibition on retaliation for facility-related complaints. Additionally, the new rule outlines a penalty structure for noncompliance and provide for interagency cooperation and outreach/education requirements.

Tex. Gov't Code §2001.0045(b) does apply to the rule proposed for action because costs may be associated with this action, however these changes are required to implement new statutory changes.

The Department has analyzed this proposed rulemaking and the analysis is described below for each category of analysis performed.

a. GOVERNMENT GROWTH IMPACT STATEMENT REQUIRED BY TEX. GOV'T CODE §2001.0221.

Mr. Bobby Wilkinson has determined that, for the first five years the repeal would be in effect:

1. The repeal does not create or eliminate a government program but relates to updates to implement SB 243.

2. The repeal does not require a change in work that would require the creation of new employee positions, nor are the rule changes significant enough to reduce work load to a degree that eliminates any existing employee positions.

3. The repeal does not require additional future legislative appropriations.

4. The repeal will not result in an increase in fees paid to the Department, nor in a decrease in fees paid to the Department.

5. The repeal is not creating a new regulation, except that it is being replaced by a new rule simultaneously to provide for revisions.

6. The repeal will not expand, limit, or repeal an existing regulation.

7. The repeal will not increase or decrease the number of individuals subject to the rule's applicability.

8. The repeal will not negatively or positively affect the state's economy.

b. ADVERSE ECONOMIC IMPACT ON SMALL OR MICRO-BUSINESSES OR RURAL COMMUNITIES AND REGULATORY FLEXIBILITY REQUIRED BY TEX. GOV'T CODE §2006.002.

The Department has evaluated the repeal and determined that the repeal will not create an economic effect on small or micro-businesses or rural communities.

c. TAKINGS IMPACT ASSESSMENT REQUIRED BY TEX. GOV'T CODE §2007.043. The repeal does not contemplate or authorize a taking by the Department; therefore, no Takings Impact Assessment is required.

d. LOCAL EMPLOYMENT IMPACT STATEMENTS REQUIRED BY TEX. GOV'T CODE §2001.024(a)(6).

The Department has evaluated the repeal as to its possible effects on local economies and has determined that for the first five years the repeal would be in effect there would be no economic effect on local employment; therefore, no local employment impact statement is required to be prepared for the rule.

e. PUBLIC BENEFIT/COST NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(5). Mr. Wilkinson has determined that, for each year of the first five years the repeal is in effect, the public benefit anticipated as a result of the changed sections would be a rule in compliance with statute. There will not be economic costs to individuals required to comply with the repealed section.

f. FISCAL NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(4). Mr. Wilkinson also has determined that for each year of the first five years the repeal is in effect, enforcing or administering the repeal does not have any foreseeable implications related to costs or revenues of the state or local governments.

REQUEST FOR PUBLIC COMMENT AND INFORMATION RELATED TO COST, BENEFIT OR EFFECT. The Department requests comments on the proposed repeal and also requests information related to the cost, benefit, or effect of the proposed repeal, including any applicable data, research, or analysis from any person required to comply with the repeal or any other interested person. The public comment period will be held November 21, 2025 to December 21, 2025, to receive input on the proposed action. Written comments may be submitted to the Texas Department of Housing and Community Affairs,

Attn: Wendy Quackenbush, Rule Comments, P.O. Box 13941, Austin, Texas 78711-3941, or email wendy.quackenbush@tdhca.texas.gov. ALL COMMENTS MUST BE RECEIVED BY 5:00 p.m., Austin local (Central) time, December 21, 2025.

STATUTORY AUTHORITY. The repeal is made pursuant to Tex. Gov't Code §2306.053, which authorizes the Department to adopt rules.

Except as described herein the repeal affects no other code, article, or statute.

§90.1. *Purpose.*

§90.2. *Definitions.*

§90.3. *Applicability.*

§90.4. *Standards and Inspections.*

§90.5. *Licensing.*

§90.6. *Records.*

§90.7. *Complaints.*

§90.8. *Civil Penalties and Sanctions.*

§90.9. *Dispute Resolution, Appeals, and 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 November 7, 2025.

TRD-202504049

Bobby Wilkinson

Executive Director

Texas Department of Housing and Community Affairs

Earliest possible date of adoption: December 21, 2025

For further information, please call: (512) 475-3959



10 TAC §§90.1 - 90.9

The Texas Department of Housing and Community Affairs (the Department) proposes new 10 TAC Chapter 90 Migrant Labor Housing Facilities. The purpose of the new rule is to comply with, SB 243 (89th Regular Legislature) which added provisions to the Department's oversight and administration of Migrant Labor Housing Facilities. Changes include the addition of a new complaint process; notice; dismissal requirements; remediation of complaints in general and regarding certain violations; and prohibition on retaliation for facility-related complaints. Additionally, the new rule outlines a penalty structure for noncompliance and provide for interagency cooperation and outreach/education requirements.

Tex. Gov't Code §2001.0045(b) does apply to the rule proposed for action because costs may be associated with this action, however these changes are required to implement new statutory changes.

The Department has analyzed this rulemaking and the analysis is described below for each category of analysis performed.

a. GOVERNMENT GROWTH IMPACT STATEMENT REQUIRED BY TEX. GOV'T CODE §2001.0221.

Mr. Bobby Wilkinson has determined that, for the first five years the new section would be in effect:

1. The rule will not create or eliminate a government program. The amended rule provides for an assurance that required licensing requirements tasked to the Department are clearly relayed to employers who house and license migrant labor housing facilities. Changes include new complaint procedures, a penalty structure, and outreach/education requirements.

2. The rule will require a change in the number of employees of the Department; the enactment of SB 243 included appropriations for three full time employees to perform the work associated with implementation of SB 243 and this rule.

3. The rule will require additional future legislative appropriations. The proposed amendment to the rule is in effect because the Texas Legislature in its 89th Regular Session passed SB 243. The Department was appropriated an additional \$535,000 for per year of the biennium from General Revenue funds to implement the provisions of the legislation and receive three new FTEs. It is expected that the appropriation would continue in subsequent biennia to continue implementing the provisions.

4. The rule may result in some additional penalty fees paid to the Department in the case of noncompliant providers.

5. The rule is revising an existing regulation through repeal and readoption to implement the requirements of SB 243.

6. The rule action does repeal an existing regulation but only so that the regulation can be replaced with a newer rule that may be considered to "expand" the existing regulation on this activity because the change to the rule are necessary to ensure compliance with SB 243.

7. The rule will not increase or decrease the number of individuals subject to the rule's applicability; and

8. The rule will neither positively nor negatively affect this state's economy.

b. ADVERSE ECONOMIC IMPACT ON SMALL OR MICRO-BUSINESSES OR RURAL COMMUNITIES AND REGULATORY FLEXIBILITY REQUIRED BY TEX. GOV'T CODE §2006.002.

The Department has determined that this rule provides specific details on how complaints are processed, revised penalty schedule for noncompliance event(s), interagency cooperation and outreach/education. Other than in a case of small or micro-businesses subject to the proposed rule, economic impact of the rule is projected to be none. If rural communities are subject to the proposed new rule, the economic impact of the rule is projected to be none.

c. TAKINGS IMPACT ASSESSMENT REQUIRED BY TEX. GOV'T CODE §2007.043. The new sections do not contemplate or authorize a taking by the Department; therefore, no Takings Impact Assessment is required.

d. LOCAL EMPLOYMENT IMPACT STATEMENTS REQUIRED BY TEX. GOV'T CODE §2001.024(a)(6).

The Department has evaluated the new section as to its possible effects on local economies and has determined that for the first five years the new section would be in effect the effect on local employment would be that providers have a more compliant workplace.

e. PUBLIC BENEFIT/COST NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(5). Mr. Wilkinson has determined that, for each year of the first five years the new sections are in effect, the public benefit anticipated as a result of the new section would be

a rule compliant with SB243. The only economic cost to any individual required to comply with the rule would be for those individuals or entities that choose to be noncompliant, in which case there may be fees for noncompliance events.

f. **FISCAL NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(4).** Mr. Wilkinson also has determined that for each year of the first five years the new sections are in effect, enforcing or administering the rule does not have any foreseeable implications related to costs or revenues other than already noted herein.

REQUEST FOR PUBLIC COMMENT AND INFORMATION RELATED TO COST, BENEFIT OR EFFECT. The Department requests comments on the rule and also requests information related to the cost, benefit, or effect of the proposed rule, including 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 will be held November 21, 2025, to December 21, 2025, to receive input on the newly proposed action. Written comments may be submitted to the Texas Department of Housing and Community Affairs, Attn: Wendy Quackenbush, Rule Comments, P.O. Box 13941, Austin, Texas 78711-3941, or email wendy.quackenbush@tdhca.texas.gov. **ALL COMMENTS AND INFORMATION MUST BE RECEIVED BY 5:00 p.m. Austin local time, December 21, 2025.**

STATUTORY AUTHORITY. The new sections are proposed pursuant to Tex. Gov't Code §2306.053, which authorizes the Department to adopt rules.

Except as described herein the new sections affect no other code, article, or statute.

§90.1. Purpose.

The purpose of Chapter 90 is to establish rules governing Migrant Labor Housing Facilities that are subject to being licensed under Tex. Gov't Code Chapter 2306, Subchapter LL (§§2306.921 - 2306.9340). It is recognized that aligning state requirements with the federal standards for migrant farmworker housing that must be inspected in order to participate in other state and federal programs, such as with the U.S. Department of Labor's H2-A visa program, allows for cooperative efforts between the Department and other state and federal entities to share information. This will reduce redundancies and improve the effectiveness of the required licensing.

§90.2. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise. Additionally, any words and terms not defined in this section but defined or given specific meaning in Tex. Gov't Code Chapter §§2306.921 - 2306.940, are capitalized. Other terms in 29 CFR §§500.130 - 500.135, 20 CFR §§654.404 et seq., and 29 CFR §1910.142 or used in those sections and defined elsewhere in state or federal law or regulation, when used in this chapter, shall have the meanings defined therein, unless the context herein clearly indicates otherwise.

(1) **Act**--The state law that governs the operation and licensure of Migrant Labor Housing Facilities in the state of Texas, found at Tex. Gov't Code, §§2306.921 - 2306.940.

(2) **Board**--The governing board of the Texas Department of Housing and Community Affairs.

(3) **Business Day**--Any day that is not a Saturday, Sunday, or a holiday observed by the State of Texas.

(4) **Business hours**--8:00 a.m. to 5:00 p.m., local time.

(5) **Couple**--A pair of individuals, whether legally related or not, that act as and hold themselves out to be a couple; provided, however, that nothing herein shall be construed as creating or sanctioning any unlawful relationship or arrangement.

(6) **Department**--The Texas Department of Housing and Community Affairs.

(7) **Designated Representative**--Means an individual or organization to whom a Migrant Agricultural Worker has given written authorization to exercise the worker's right to file a complaint under Tex. Gov't Code §2306.934.

(8) **Director**--The Executive Director of the Department or designated staff.

(9) **Family**--A group of people, whether legally related or not, that act as and hold themselves out to be a Family; provided, however, that nothing herein shall be construed as creating or sanctioning any unlawful relationship or arrangement such as the custody of an unemancipated minor by a person other than their legal guardian.

(10) **License**--The document issued to a Licensee in accordance with the Act.

(11) **Licensee**--Any Person that holds a valid License issued in accordance with the Act.

(12) **Occupant**--Any Person, including a Worker, who uses a Migrant Labor Housing Facility for housing purposes.

(13) **Provider**--Any Person who provides for the use of a Migrant Labor Housing Facility by Migrant Agricultural Workers, whether the Facility is owned by the Provider, or is contractually obtained (or otherwise established) by the Provider. An agricultural industry employer or a contracted or affiliated entity may be a Provider if it owns, contracts, or pays for the use of a Migrant Labor Housing Facility by Migrant Agricultural Workers, regardless of whether any rent or fee is required to be paid by a Worker. A common short-term property rental owner or operator that does not exclusively rent to Migrant Agricultural Workers is not a Provider solely because they have rented to Migrant Agricultural Workers. The Provider is the operator under Tex. Gov't Code §2306.928.

(14) **State Office of Administrative Hearings (SOAH)**--Is an independent and neutral agency for hearing and mediating administrative disputes and appeals in Texas in accordance with Tex. Gov't Code §2001, Tex. Gov't Code §2003, and 1 TAC §155.

(15) **Worker**--Also known as Migrant Agricultural Worker, being an individual who is:

(A) working or available for work seasonally or temporarily in primarily an agricultural or agriculturally related industry, and

(B) moves one or more times from one place to another to perform seasonal or temporary employment or to be available for seasonal or temporary employment.

§90.3. Applicability.

(a) All Migrant Labor Housing Facilities in the state of Texas, which may include hotels and other public accommodations if owned by or contracted for by Providers must be inspected and comply with the requirements in this chapter and 29 CFR §§500.130, 500.132 - 500.135, without the exception provided in 29 CFR §500.131.

(b) Where agricultural employers own, lease, rent, otherwise contract for, or obtain under other working arrangements, Facilities "used" by individuals or Families that meet the criteria described in

the Act, the employer as Provider of said housing, "establishes" and becomes the "operator" of a Migrant Labor Housing Facility, and is the responsible entity for obtaining and "maintaining" the License on such Facility, as those terms are used in Tex. Gov't Code §2306.921 - 2306.922.

(c) An applicant for a License must facilitate an inspection by the Department with the owner of the property(ies) at which the Migrant Labor Housing Facility is located, or the inspection will be considered failed.

(d) Owners or operators of homeless shelters, public camp grounds, youth hostels, hotels and other public or private accommodations that do not contract for services with Providers to house Workers are not required to be licensed.

(e) No License would be required where a Worker is housed exclusively with his/her Family using their own structure, trailer, or vehicle, but temporarily residing on the land of another.

(f) A Facility may include multiple buildings on scattered or noncontiguous sites, as long as the scattered sites are in a reasonable distance from each other, and the work location and the buildings are operated as one Facility by the Provider.

§90.4. Standards and Inspections.

(a) Facilities must follow the appropriate housing standard as defined in 29 CFR §500.132, (the Employment and Training Administration (ETA) and Occupational Safety and Health Administrations (OSHA) housing standards also referred to as the "ETA and OSHA Housing Standards"), or if applicable the Range Housing standard as defined in 20 CFR §655.235 or Mobile Housing Standards as defined in 20 CFR §655.304. The inspection checklists setting forth those standards are available on the Department's website at <https://www.td-hca.texas.gov/migrant-labor-housing-facilities>.

(b) Inspections of the Facilities of applicants for a License and Licensees may be conducted by the Department under the authority of Tex. Gov't Code §2306.928 upon reasonable notice and using the appropriate inspection forms noted in subsection (a) of this section. Inspections may be conducted by other State or Federal agencies, on behalf of the Department, on forms promulgated by those agencies.

(c) In addition to the standards noted in subsection (a) of this section, all Facilities must comply with the following additional state standards:

(1) Facilities shall be constructed in a manner to insure the protection of Occupants against the elements. Facilities shall be maintained in good repair and in a sanitary condition. All doors to the exterior shall have working locks and all windows shall have working interior latches. Each unit shall have a working smoke detector. Fire extinguishing equipment shall be provided in an accessible place located within 100 feet from each Facility. Such equipment shall provide protection equal to a 2 1/2 gallon stored pressure of five gallon pump type water extinguisher. Such equipment shall also have a service tag that indicates no more than a year has passed since last servicing if rechargeable, and that the extinguisher is no more than 12 years old and properly charged if non-rechargeable or disposable. A working carbon monoxide detector must be present in all units that use gas or other combustible fuel.

(2) Combined cooking, eating, and sleeping arrangements must have at least 100 SF per person (aged 18 months and older); the portion of the Facility for sleeping areas must include at least a designated 50 square feet per person.

(3) Facilities for Families with children must have a separate room or partitioned area for adult Family members.

(4) In dormitory-type facilities, separate sleeping accommodations shall be provided for each sex. In Family housing units, separate sleeping accommodations shall be provided for each Family unit.

(5) Facilities previously used to mix, load, or store pesticides and toxic chemicals may not be used for cooking, dishwashing, eating, sleeping, housing purposes, or other similar purposes.

(6) In a central mess or multifamily feeding operation, the kitchen and mess hall shall be constructed in accordance with any applicable local or state rules on food services sanitation.

(7) Beds, bunks, or cots shall have a clear space of at least 12 inches from the floor. Triple-deck bunks shall be prohibited. Single beds shall be spaced not closer than 36 inches laterally or end to end. Bunk beds shall be spaced not less than 48 inches laterally or 36 inches end to end. There shall be a clear ceiling height above a mattress of not less than 36 inches. The clear space above the lower mattress of the bunk beds and the bottom of the upper bunk shall not be less than 27 inches.

(8) Bathrooms, in aggregate shall have a minimum of one showerhead per 10 persons and one lavatory sink per six persons. Showerheads shall be spaced at least three feet apart to insure a minimum of nine square feet of showering space per showerhead.

(9) In all communal bathrooms separate shower stalls shall be provided.

(10) Mechanical clothes washers with dryers or clothes lines shall be provided in a ratio of one per 50 persons. In lieu of mechanical clothes washers, one laundry tray (which is a fixed tub (made of slate, earthenware, soapstone, enameled iron, stainless steel, heavy duty plastic, or porcelain) with running water and drainpipe for washing clothes and other household linens) or tub per 25 persons may be provided.

(11) All Facility sites shall be provided with electricity. The electrical systems shall conform to all applicable codes and shall be sufficient to provide the electricity with sufficient amperage to operate all required and available features, including but not limited to lighting, stoves, hot water heaters, heating systems, portable heaters, refrigeration, and such other devices as may be connected to wall type convenience outlets.

(12) A separate bed and clean mattress must be provided for each individual Worker or Couple. If a single bed is provided to a Couple, it may not be smaller than a full size.

§90.5. Licensing.

(a) Tex. Gov't Code §2306.922 requires the licensing of Migrant Labor Housing Facilities.

(b) Any Person who wants to apply for a License to operate a Facility may obtain the application form from the Department. The required form is available on the Department's website at <https://www.td-hca.texas.gov/migrant-labor-housing-facilities>.

(c) An application must be submitted to the Department prior to the intended operation of the Facility, but no more than 60 days prior to said operation. Applications submitted to the Department that are not complete, due to missing items and/or information, expire 90 days from Department receipt. In this circumstance, the fees paid are ineligible for a refund.

(d) The fee for a License is \$250 per year, except in such cases where the Facility was previously inspected and approved to be utilized for housing under a State or Federal migrant labor housing program, and that such inspection conducted by a State or Federal agency is pro-

vided to the Department. Where a copy of such inspection conducted by a State or Federal agency is less than 90 days old, has no material deficiencies or exceptions, and is provided to the Department prior to the Department's scheduled inspection, the application fee shall be reduced to \$75. However, if an inspection or re-inspection by the Department is required at the sole determination by the Department, the full application fee may apply.

(e) The License is valid for one year from the date of issuance unless sooner revoked or suspended. Receipt of a renewal application that is fully processed resulting in the issuance of a renewed license shall be considered as revoking the previous license, with the effective and expiration dates reflecting the renewal. All licenses have the same effective date as their issuance.

(f) Fees shall be tendered by check, money order, or via an online payment system (if provided by the Department), payable to the Texas Department of Housing and Community Affairs. If any check or other instrument given in payment of a licensing fee is returned for any reason, any License that has been issued in reliance upon such payment being made is null and void.

(g) A fee, when received in connection with an application is earned and is not subject to refund. At the sole discretion of the Department, refunds may be requested provided the fee payment or portion of a payment was not used toward the issuance of a License or conducting of an inspection.

(h) Upon receipt of a complete application and fee, the Department shall review the existing inspection conducted by a State or Federal agency, if applicable and/or schedule an inspection of the Facility by an authorized representative of the Department. Inspections shall be conducted during Business Hours on weekdays that the Department is open, and shall cover all units that are subject to being occupied. Inspections by other State or Federal agencies in accordance with the requirements in 29 CFR §§500.130 - 500.135 may be accepted by the Department for purposes of this License, only if notice is given to the Department prior to the inspection in order for the Department to consider the inspection as being conducted by an authorized representative of the Department in accordance with Tex. Gov't Code §2306.928. In addition, a certification of the additional state standards described in 10 TAC §90.4(c), relating to Standards and Inspections, must be provided by the applicant, along with any supplemental documentation requested by the Department, such as photographs.

(i) The Person performing the inspection on behalf of the Department shall prepare a written report of findings of that inspection. The Department, when it determines it is necessary based on risk, complaint, or information needed at time of application, may conduct follow-up inspections.

(1) If the Person performing the inspection finds that the Facility, based on the inspection, is in compliance with 10 TAC §90.4, relating to Standards and Inspections, and the Director finds that there is no other impediment to licensure, the License will be issued.

(2) If the Person performing the inspection finds that although one or more deficiencies were noted that will require timely corrective action which may be confirmed by the Provider without need for re-inspection, and the Director finds that there is no other impediment to licensure, the License will be issued subject to such conditions as the Director may specify. The applicant may, in writing, agree to these conditions, request a re-inspection within 60 days from the date of the Director's letter advising of the conditions, provide satisfactory documentation to support the completion of the corrective action as may be required by the Department, or treat the Director's imposing of conditions as a denial of the application.

(3) If the Person performing the inspection finds that one or more deficiencies were noted that will require timely corrective action and the deficiencies are of such a nature that a re-inspection is required, the applicant shall address these findings and advise the Department, within 60 days from the date of written notice of the findings, of a time when the Facility may be re-inspected. If a re-inspection is required, the License may not be eligible for the reduced fee described in subsection (d) of this section and the balance of the \$250 fee must be remitted to the Department prior to the re-inspection. If Occupants are allowed to use the Facility prior to the re-inspection the applicant must acknowledge the operation of the Facility in violation of these rules, and pay a fee to the Department as laid out in §90.8 of this chapter (relating to Civil Penalties and Sanctions) through the date the Facility is approved by the inspector, and eligible for licensing. If the results of the re-inspection are satisfactory and the Director finds that there is no other impediment to licensure, the License will be issued. If it is the determination of the Director that the applicant made all reasonable efforts to complete any repairs and have the property re-inspected in a timely manner, the penalty for operating a Facility without a License may be reduced to an amount determined by the Director, but not less than \$50 per person per day.

(4) If the person performing the inspection finds that the Facility is in material noncompliance with §90.4 of this chapter (relating to Standards and Inspections), or that one or more imminent threats to health or safety are present, the Director may deny the application. In addition, the Department may also take action in accordance with §90.8, relating to Civil Penalties and Sanctions.

(5) If access to all units subject to inspection is not provided or available at time of inspection, the inspection will automatically fail.

(j) If the Director determines that an application for a License ought to be granted subject to one or more conditions, the Director shall issue an order accompanying the License, and such order shall:

(1) Be clearly incorporated by reference on the face of the License;

(2) Specify the conditions and the basis in law or rule for each of them; and

(3) Such conditions may include limitations whereby parts of a Facility may be operated without restriction and other parts may not be operated until remedial action is completed and documented in accordance with the requirements set forth in the order.

(k) Correspondence regarding an application should be addressed to: Texas Department of Housing and Community Affairs, Attention: Migrant Labor Housing Facilities, P.O. Box 12489, Austin, Texas 78711-2489 or migrantlaborhousing@tdhca.texas.gov.

(l) The Department shall inform the applicant in writing, (which may be electronically) addressed to a contact provided on the most recent application, of what is needed to complete the application and/or if a deviation found during the inspection requires a correction in order to qualify for issuance of a License.

(m) For Providers that are housing Workers in hotels or apartments, failing to provide beds or meals as reported during the application process will, if occupied at the time of inspection and upon the Department's confirmation, result in the finding of noncompliance of not meeting state or federal housing standards as defined in the subchapter.

(n) Any changes to an issued License (such as increasing occupancy and/or adding a building or unit) may be made at the sole determination of the Department, based on current rules and policy, within 30 days of the License issuance. Any changes requested more than

30 days after License issuance will require the submission of an application for renewal, new inspection, and new fee payment, per the applicable rate.

(o) An applicant or Licensee that wishes to appeal any order of the Director, including the appeal of a denial of an application for a License or an election to appeal the imposing of conditions upon a License, may appeal such order by sending a signed letter to the Director within thirty (30) days from the date specified on such order, indicating the matter that they wish to appeal.

§90.6. Records.

(a) Each Licensee shall maintain and upon request make available for inspection by the Department, the following records:

(1) Copies of all correspondence to and from the Department. This shall include the current designation of each Provider;

(2) A current list of the Occupants of the Facility and the date that the occupancy of each commenced;

(3) Documentation establishing that all bedding facilities were sanitized prior to their being assigned to the current occupant; and

(4) Copies of any and all required federal, state, or local approvals and permits, including but not limited to any permits to operate a waste disposal system or a well or other water supply, and any correspondence to or from such approving or permitting authorities.

(b) All such records shall be maintained for a period of at least three years.

(c) A Licensee shall post in at least one conspicuous location in a Facility or in at least one building per site for a scattered site Facility:

(1) A copy of the License;

(2) A decal provided by the Department with the licensing program logo and the year for which the License was granted; and

(3) A complaint procedure poster or notice in at least 20 point bold face type using the form provided on the Department's website at <https://www.tdhca.texas.gov/migrant-labor-housing-facilities>.

(4) For hotels, the License and poster described in paragraph (3) of this subsection may be posted in the lobby or front desk area only if this area is clearly visible, allows for easy reading of the aforementioned documents, and is readily accessible to the hotel guests and general public. If the hotel refuses to allow this posting, the License and poster described in this paragraph then must be posted in each room used to house the Workers.

§90.7. Complaints.

(a) If the Department receives any complaint, it shall investigate it by appropriate means, including the conducting of a complaint inspection. Any complaint inspection will be conducted after giving the Provider notice of the inspection and an opportunity to be present. The complainant will be contacted by the Department as soon as possible but no later than 10 days after making a complaint and such a call may be relayed to local authority(ies) if a possible life threatening safety or health issue is involved. Complaints received by the Department:

(1) will be accepted through the Department's Internet website, in person at any Department office, or by telephone to 1-833-522-7028, or written notice to the Department (either through mail or electronic mail); and

(2) May be made in English, Spanish, or other language, as needed.

(3) May only be submitted by:

(A) An occupant of the Facility that is the subject of the complaint;

(B) A prospective occupant of the Facility that is the subject of the complaint;

(C) The Designated Representative of a person described by subparagraph (A) or (B) of this paragraph; or

(D) An individual, including the owner or tenant of an adjacent property, that has observed a clear violation of this chapter.

(b) On receipt of a complaint, the Department not later than the fifth day after the date on which the Department receives a complaint, the Department shall notify the Provider by electronic mail that is the subject of the complaint. Notice under this subsection must include:

(1) the date that the complaint was received;

(2) the subject matter of the complaint;

(3) the name of each person contacted in relation to the complaint, if any; and

(4) the timeline for remedying a complaint that is not otherwise dismissed by the Department.

(c) If the Department is unable to make contact with a Provider of a Facility for the purpose of serving a notification of a complaint, the Department shall serve the notification of the complaint via registered or certified mail, return receipt requested.

(d) If the Department determines that a complaint is unfounded or does not violate the standards adopted by rule, the Department may dismiss the complaint and shall include a statement of the reason for the dismissal in the record of the complaint. The Department shall provide timely notice of any dismissal of the complaint, including the explanation for the dismissal, to the Provider of the Facility that is the subject of the complaint.

(e) A Designated Representative may not be required to reveal the name of any Worker on whose behalf the representative submitted a complaint under this section if the Department reviews the written authorization establishing the representation and verifies that the representative is authorized to submit the complaint. The Department will verify the Designated Representative is authorized through the following process:

(1) A written authorization must be submitted to the Department, using a Department-provided form or another document containing the following:

(A) The name of the Designated Representative, their contact information, and the name of any applicable organization they are representing.

(B) The complainant's name and contact information, if authorized to disclose.

(C) Whether the complainant wishes and authorizes the Designated Representative to disclose their name.

(D) The complainant's employer, contact information, and housing address.

(E) The length of time the authorization is valid for, not to exceed one year, as well as the effective date of the authorization.

(F) A list of the communications the Designated Representative is authorized to conduct on the complainant's behalf.

(G) The signature of both the complainant and the Designated Representative. The complainant's signature may be redacted by the Designated Representative if confidentiality is requested.

(2) If the written authorization indicates that a complainant wishes to maintain confidentiality, the Department will conduct a virtual conference with the Designated Representative and the complainant, to confirm the validity of the written representation authorization, and to discuss any other details of the authorization, as needed.

(f) The Department may seek to protect the identity of any complainant from disclosure, but cannot guarantee a complainant's identity would not be subject to disclosure under the law. However, as stated and conditioned in subsection (e) of this section, a Designated Representative may not be required to reveal the name of any Worker on whose behalf the representative submitted a complaint.

(g) A person who owns, establishes, maintains, operates, or otherwise provides a Facility, or a Person who employs a Worker who occupies a Facility may not retaliate against a person for filing a complaint or providing information in good faith relating to a possible violation of this chapter.

(h) Remediation of a complaint:

(1) Not later than the seventh day after the date that notice is received under Tex. Gov't Code §2306.934, the Provider of a Facility shall remedy the complaint.

(2) Proof or remediation, at the Department's sole discretion and determination will be submitted in the form of visual evidence (such as photos/videos, invoices/receipts, etc.), sworn affidavit, and/or follow up inspection by the Department's designated inspectors, prior to the end of the prescribed corrective action period.

(3) For a Provider of a Facility who receives notice under Tex. Gov't Code §2306.934(e) or who does not submit proof of remediation in the manner provided by Subsection (b) of this section, the Department shall have the Facility inspected as soon as possible following the seventh day after the date notice is received under Tex. Gov't Code §2306.934 to ensure remediation of the complaint.

(i) Remediation of a Complaint Regarding Certain Violations: This section applies only to a complaint that alleges a violation that the Department determines poses an imminent hazard or threat to the health and safety of the occupants of the Facility, including violations of rules adopted by the Department concerning sanitation. Examples include but are not limited to: failure to provide minimum square footage per person, insufficient or substandard bedding, bed sharing, insufficient kitchen facilities or meals not provided, insufficient waste disposal, and interruption in or access to water.

(1) Not later than the 30th day after the date notice is received under Tex. Gov't Code §2306.934, the Provider of a Facility that is the subject of a complaint described by Subsection (h) of this section shall remedy the complaint.

(2) The Department may refer a complaint described herein to a local authority for immediate inspection of the Facility.

(3) The Provider must relocate or provide for the relocation to another Facility of the occupants of a Facility that is the subject of a complaint under Subsection (h) of this section if the remediation of that complaint is projected to take longer than a period of 30 days. The relocation must be completed within seven days. A Facility to which a Person is relocated under this subsection:

(A) must meet the standards described in §90.4 of this chapter (relating to Standards and Inspections);

(B) must be located in the same vicinity as the vacated Facility;

(C) any moving expenses shall be paid by the Provider; and

(D) Provider shall hand-deliver or send via certified mail, return receipt requested, a written notice in both English and Spanish (or any other language that may be the primary language of the workers involved). This notice shall be in plain language and detail timeframes, procedure for payments/reimbursements, likely time frames for moving, and all relevant phone numbers and other contact information, including the Department's complaint line. Providers must arrange a reader to communicate with illiterate Workers.

(E) These relocation procedures and requirements shall not apply when the Workers housed are temporarily in the United States under an H-2A visa authorized by 8 U.S.C. Section 1101(a)(15)(H)(ii)(a).

(j) The Department may conduct interviews, including interviews of Providers and Occupants, and review such records as it deems necessary to investigate a complaint.

(k) Any violations not resolved in the time frame above will be subject to the enforcement procedure described in §90.8 of this chapter (relating to Civil Penalties and Sanctions).

(l) Complaints regarding Migrant Labor Housing Facilities will be addressed under this section, and not §1.2 of this title (relating to Department Complaint System to the Department).

§90.8. Civil Penalties and Sanctions.

(a) When the Director finds that the requirements of the Act or these rules are not being met, he or she may assess civil penalties or impose other sanctions as set forth herein. Nothing herein limits the right, as set forth in the Act, to seek injunctive and monetary relief through a court of competent jurisdiction.

(b) A civil penalty collected by the Department, the county attorney for the county in which the violation occurred, or the attorney general, at the request of the Department, shall be deposited to the credit of the general revenue fund and may be appropriated only to the Department for the enforcement of this chapter.

(c) For violations that present an imminent threat to health or safety or if licensee has a history of violations, if not promptly addressed, the Director may suspend or revoke the affected License.

(d) For violations that the Department determines pose an imminent hazard or threat to the health and safety of the occupants of the facility, including violations of rules adopted by the Department concerning sanitation, the Provider will need to follow the relocation procedure described in 10 TAC §90.7(i)(3) (relating to Complaints).

(e) For each violation of the Act or rules a civil penalty according to the attached penalty schedule but not less than \$50 for each Person occupying the Facility in violation of this chapter for each day that the violation occurs will be assessed at the Department's sole determination.

(f) An action to collect a civil penalty under this section may be brought by:

(1) the Department through the contested case hearing process described by Tex. Gov't Code § 2306.930(b);

(2) the county attorney for the county in which the violation occurred, or the attorney general, at the request of the Department; or

(3) a Migrant Agricultural Worker if:

(A) a complaint regarding the violation for which the civil penalty is sought has been submitted under Tex. Gov't Code §2306.934; and

(B) at the time the complaint is submitted, the worker:

(i) lives in the Facility that is the subject of the complaint; and

(ii) is not temporarily in the United States under an H-2A visa authorized by 8 U.S.C. Section 1101(a)(15)(H)(ii)(a).

(g) An action to collect a civil penalty under this section may not be brought while:

(1) a contested case hearing brought by the Department under Tex. Gov't Code §2306.930(b) and relating to the same Facility is pending;

(2) an action for injunctive relief relating to the same violation is pending under Tex. Gov't Code §2306.932;

(3) an action brought by a county attorney or the attorney general and relating to the same migrant labor housing facility is pending; or

(4) the Provider of the Facility that is the subject of the action is:

(A) Awaiting for the Facility to be inspected under Tex. Gov't Code §2306.935(c) to confirm remediation of the violation that is the subject of the action; or

(B) providing housing at a Facility under Tex. Gov't Code §2306.936(d) to which the Migrant Agricultural Workers who occupied the Facility that is the subject of the action have been relocated under the procedures described in 10 TAC §90.7(i)(3).

(h) A civil penalty under this section begins accruing on the earlier of:

(1) for a violation with a remediation period described by Tex. Gov't Code §2306.935, the day that:

(A) the Department determines based on information submitted under Tex. Gov't Code §2306.935(b) that the Provider has failed to remedy the violation; or

(B) an inspection described by Tex. Gov't Code §2306.935(c) establishes that the Provider has failed to remedy the violation; or

(2) for a violation with a remediation period described by Tex. Gov't Code §2306.936, the 31st day following the date that notification of the complaint is received from the Department, unless the Provider has relocated under Tex. Gov't Code §2306.936(d) the Migrant Agricultural Workers who occupied the Facility that is the subject of the complaint.

(i) The Department shall issue a civil penalty invoice in accordance with the attached schedule for any findings of noncompliance that remain uncorrected as of the accrual dates noted above, provided that the TDHCA Compliance Division has not approved a corrective plan or extension. These invoices will be sent by electronic mail and US Postal Service to the addresses provided on the most recent TDHCA license application. A civil penalty invoice must be paid within 30 days of issuance by the Department.

(j) In the event that there are multiple findings of noncompliance subject to civil penalties that fall under multiple groups in the schedule in subsection (n) of this section, the civil penalty shall be for the higher penalty amount.

(k) Failure to timely pay a civil penalty invoice shall cause the TDHCA Compliance Division to refer the unpaid invoice to the TDHCA Legal Division. The Legal Division will first attempt to resolve the matter informally. If the Legal Division is unable to resolve the matter informally, the Director, with the approval of the Board, shall cause a contested case hearing to be docketed before a SOAH administrative law judge in accordance with §1.13 of this title (relating to Contested Case Hearing Procedures), which outlines the remainder of the process. Alternatively, the Department may request that an action to collect the civil penalty be brought by the county attorney for the county in which the violation occurred, or the attorney general.

(l) The court in a suit brought under this chapter may award reasonable attorney's fees to the prevailing party.

(m) Civil penalties assessed regarding Migrant Labor Housing Facilities will be addressed under this section. Nothing herein limits the right, as set forth in the Act, to seek injunctive and monetary relief through a court of competent jurisdiction.

(n) Civil penalty assessment schedule for Migrant Labor Housing Facilities Migrant Labor Housing Facilities Findings of Noncompliance.

(1) Group 1: The collective civil penalty assessments per person occupying a Facility for each day that any of the following Group 1 findings of noncompliance occurs shall be: \$50.00 per Person per day for a first-time assessment, \$75.00 per Person per day for a second-time assessment, and \$100.00 per Person per day for subsequent assessments.

(A) Housing workers in an unlicensed facility. It will not be considered a Finding of noncompliance if a TDHCA License application has already been submitted.

(B) Not meeting state or federal housing standards as defined in this chapter, if occupied at the time of inspection.

(C) Housing more Workers than licensed to house, and/or using other housing facilities/buildings that have not been inspected and/or included in current Licenses.

(D) Imminent hazard or threat to the health and safety of the Facility occupants, as determined by the Department.

(E) Failure to relocate workers to another Facility when complaint remediation or noncompliance corrections will take longer than 30-days, including:

(i) Failure to meet occupancy standards when relocating Workers.

(ii) Failure to relocate Workers within the same vicinity as the original vacated facility.

(iii) Failure to require a rent payment from a displaced Worker that does not exceed the rent charged for the vacated facility.

(F) Failure to display License or Department provided posting materials. This Finding will only be applicable for follow up and complaint inspections.

(2) Group 2: The collective civil penalty assessments per person occupying a Facility for each day that any of the following Group 4 Findings occur shall be: \$500.00 per complainant per day for a first-time assessment, and \$1,000.00 per person per day for subsequent assessments.

(A) Failure to respond to a complaint notification from the Department within the required specified time frame.

(B) Failure to remedy a complaint within the specified time.

(C) Failure to allow a Department inspection.

§90.9. Dispute Resolution, Appeals, and Hearings.

(a) A Licensee is entitled to appeal any order issued by the Director, including any order as a result of an inspection or a complaint and any order denying a License or issuing a License subject to specified conditions.

(b) In lieu of or during the pendency of any appeal, a Licensee may request to meet with the Director or, at his or her option, his or her designee to resolve disputes. Any such meeting may be by telephone or in person. Meetings in person shall be in the county where the Facility affected is located, unless the Licensee agrees otherwise.

(c) A Licensee may request alternative dispute resolution in accordance with the Department's rules regarding such resolution set forth at §1.17 of this title (relating to Alternative Dispute Resolution).

(d) All administrative appeals are contested cases subject to, and to be handled in accordance with, Chapters 2306 and 2001, Tex. Gov't Code.

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 November 7, 2025.

TRD-202504050

Bobby Wilkinson

Executive Director

Texas Department of Housing and Community Affairs

Earliest possible date of adoption: December 21, 2025

For further information, please call: (512) 475-3959



TITLE 16. ECONOMIC REGULATION

PART 2. PUBLIC UTILITY COMMISSION OF TEXAS

CHAPTER 25. SUBSTANTIVE RULES APPLICABLE TO ELECTRIC SERVICE PROVIDERS

SUBCHAPTER D. RECORDS, REPORTS, AND OTHER REQUIRED INFORMATION

The Public Utility Commission of Texas (commission) proposes to repeal and replace 16 Texas Administrative Code (TAC) §25.88, relating to Retail Market Performance Measure Reporting. This proposed rule will implement Public Utility Regulatory Act (PURA) §39.168 as enacted by HB 1500 §24 during the Texas 88th Regular Legislative Session. Additionally, the proposed rule streamlines the reporting of competitive retail market data to the commission by Retail Electric Providers (REPs), ERCOT, and Transmission and Distribution Utilities (TDUs). Specifically, it mandates that data provided by REPs and ERCOT be reported according to customer classifications defined in 16 TAC §25.43, thereby standardizing reporting practices

across reporting entities. Further, the amended rule reduces redundant data submission requirements for certain entities.

Growth Impact Statement

The agency provides the following governmental growth impact statement for the proposed rule, as required by Texas Government Code §2001.0221. The agency has determined that for each year of the first five years that the proposed rule is in effect, the following statements will apply:

(1) the proposed rule will not create a government program and will not eliminate a government program;

(2) implementation of the proposed rule will not require the creation of new employee positions and will not require the elimination of existing employee positions;

(3) implementation of the proposed rule will not require an increase and will not require a decrease in future legislative appropriations to the agency;

(4) the proposed rule will not require an increase and will not require a decrease in fees paid to the agency;

(5) the proposed rule will create a new regulation, but it will repeal a similar, existing regulation;

(6) the proposed rule will repeal and replace regulation on reporting retail market performance measures;

(7) the proposed rule will change the number of individuals subject to the rule's applicability; and

(8) the proposed rule will not affect this state's economy.

Fiscal Impact on Small and Micro-Businesses and Rural Communities

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

Takings Impact Analysis

The commission has determined that the proposed rule will not be a taking of private property as defined in chapter 2007 of the Texas Government Code.

Fiscal Impact on State and Local Government

Iliana De La Fuente, Attorney, Rules and Projects, has determined that for the first five-year period the proposed rule is in effect, there will be no fiscal implications for the state or for units of local government under Texas Government Code §2001.024(a)(4) as a result of enforcing or administering the sections.

Public Benefits

Ms. De La Fuente has determined that for each year of the first five years the proposed section is in effect the public benefit anticipated as a result of enforcing the section will be increased transparency of the performance of the retail electric market which will lead to more effective oversight of the market by the commission while reducing the administrative burden on commission staff. There will not be any probable economic costs to persons required to comply with the rule under Texas Government Code §2001.024(a)(5).

Local Employment Impact Statement

For each year of the first five years the proposed section is in effect, there should be no effect on a local economy; therefore, no local employment impact statement is required under Texas Government Code §2001.022.

Costs to Regulated Persons

Texas Government Code §2001.0045(b) does not apply to this rulemaking because the commission is expressly excluded under subsection §2001.0045(c)(7).

Public Hearing

The commission will conduct a public hearing on this rulemaking if requested in accordance with Texas Government Code §2001.029. The request for a public hearing must be received by November 28, 2025. If a request for public hearing is received, commission staff will file in this project a notice of hearing.

Public Comments

Interested persons may file comments electronically through the interchange on the commission's website. Comments must be filed by November 28, 2025. Comments should be organized in a manner consistent with the organization of the proposed rules. The commission invites specific comments regarding the effects of the proposed rule, including the costs associated with, and benefits that will be gained by, implementation of the proposed rule. The commission also requests any data, research, or analysis from any person required to comply with the proposed rule or any other interested person. The commission will consider the information submitted by commenters and the costs and benefits of implementation in deciding whether to modify the proposed rules on adoption. All comments should refer to Project Number 56736.

Each set of comments should include a standalone executive summary as the last page of the filing. This executive summary must be clearly labeled with the submitting entity's name and should include a bulleted list covering each substantive recommendation made in the comments.

To assist the commission in its continued monitoring of the performance of the retail market, commission Staff requests responses to the following questions:

1. Are the Retail Market Performance Measures, and their associated schedule parts, provided by the commission in the filing package sufficient to monitor the competitive Texas retail electricity market? If not, what else should the commission consider in its Retail Performance Measures?
2. What else should the commission consider in its implementation of PURA §39.168 and the new §25.88?

16 TAC §25.88

Statutory Authority

The repeal of §25.88 is proposed under Public Utility Regulatory Act (PURA) §14.001, which grants the commission the general power to regulate and supervise the business of each public utility within its jurisdiction and to do anything specifically designated or implied by this title that is necessary and convenient to the exercise of that power and jurisdiction; §14.002, which authorizes the commission to adopt and enforce rules reasonably required in the exercise of its powers and jurisdiction; §14.003, which provides authority to require reports of a public utility; §15.023, which provides for commission imposition of an administrative penalty against a person regulated under PURA who

violates PURA or a rule adopted under PURA; §39.001, which sets forth the legislative policy and purpose of PURA Chapter 39, Restructuring of Electric Utility Industry; §39.101, which sets forth customer safeguards; §39.151, which subjects to commission review procedures established by an independent operator relating to the reliability of the regional electrical network and accounting for the production and delivery of electricity among generators and all other market participants; §39.168, which requires REPs and its affiliates to annually report to the commission certain retail sales metrics; §39.352, which sets forth standards for certification of REPs; §39.356, which provides for suspension, revocation, or amendment of a REP's certificate; and §39.357, which provides for the imposition of administrative penalties on a REP for violations described by §39.356.

Cross Reference to Statute: Public Utility Regulatory Act §14.001, 14.002, 14.003, 15.023, 39.001, 39.101, 39.151, 39.168, 39.352, 39.356, and 39.357.

§25.88. *Retail Market Performance Measure Reporting.*

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

Filed with the Office of the Secretary of State on November 7, 2025.

TRD-202504047

Andrea Gonzalez

Rules Coordinator

Public Utility Commission of Texas

Earliest possible date of adoption: December 21, 2025

For further information, please call: (512) 936-7244



16 TAC §25.88

Statutory Authority

The new §25.88 is proposed under Public Utility Regulatory Act (PURA) §14.001, which grants the commission the general power to regulate and supervise the business of each public utility within its jurisdiction and to do anything specifically designated or implied by this title that is necessary and convenient to the exercise of that power and jurisdiction; §14.002, which authorizes the commission to adopt and enforce rules reasonably required in the exercise of its powers and jurisdiction; §14.003, which provides authority to require reports of a public utility; §15.023, which provides for commission imposition of an administrative penalty against a person regulated under PURA who violates PURA or a rule adopted under PURA; §39.001, which sets forth the legislative policy and purpose of PURA Chapter 39, Restructuring of Electric Utility Industry; §39.101, which sets forth customer safeguards; §39.151, which subjects to commission review procedures established by an independent operator relating to the reliability of the regional electrical network and accounting for the production and delivery of electricity among generators and all other market participants; §39.168, which requires REPs and its affiliates to annually report to the commission certain retail sales metrics; §39.352, which sets forth standards for certification of REPs; §39.356, which provides for suspension, revocation, or amendment of a REP's certificate; and §39.357, which provides for the imposition of administrative penalties on a REP for violations described by §39.356.

Cross Reference to Statute: Public Utility Regulatory Act §14.001, 14.002, 14.003, 15.023, 39.001, 39.101, 39.151, 39.168, 39.352, 39.356, and 39.357.

§25.88. Retail Market Performance Measure Reporting.

(a) Applicability. This section applies to the Electric Reliability Council of Texas (ERCOT), retail electric providers (REPs), and transmission and distribution utilities (TDUs) except TDUs that provide only wholesale transmission service.

(b) Filing requirements. Using forms prescribed by the commission, a reporting entity must report activities as required by this section.

(1) Each entity must provide an electronic version of its retail market performance measures report (report) in a manner prescribed by the commission and follow any reporting instructions provided by the commission. The report and any accompanying documentation must be filed in the native format of the file.

(2) The report must be filed no later than the 30th day following the end of the preceding quarterly reporting period. Quarterly periods begin on January 1, April 1, July 1, and October 1.

(3) The reporting entity may designate, as confidential, information within its report that it considers to be confidential. Within its report, the reporting entity must designate, as confidential, any information relating specifically to any other entity unless the commission has determined that such information is not competitively sensitive or the disclosing entity has given the reporting entity express written permission to release such information publicly.

(c) Retail Market Performance Measures. The report requires reporting entities to provide data and documentation regarding the following performance measures:

- (1) Competitive market indicators;
- (2) Technical market mechanics; and
- (3) Field performance statistics.

(d) Supporting documentation. Each Report must include:

(1) Analysis. Each report must include an analysis or explanation of the reporting entity's data and performance for the quarterly reporting period for any retail market performance measure that does not meet the expected performance level. The explanation or analysis must include the change in performance over the past quarterly reporting period and an explanation of circumstances that may have affected the reporting entity's performance.

(2) Report attestation. Each report submitted to the commission must be accompanied by a signed, notarized affidavit by an executive officer as defined in §25.107. The affidavit must attest that all material provided in the report is true, correct, and complete.

(3) Supporting documents available for inspection. Each supporting document, including records, books, and memoranda must be made available for inspection by the commission or commission staff upon request. Supporting documents must be maintained for a period of 24 months after the report date.

(e) Other reports.

(1) Additional reports requested by staff. The commission or commission staff may require a reporting entity to submit additional reports to allow the commission to analyze the changing dynamics of the retail electric market or to obtain information on specific issues that may require additional diagnostic review.

(2) Supplemental information. Upon request by the commission or commission staff, a reporting entity must provide any additional information that relates to its report. Such requests will provide a reasonable deadline that takes into account the information requested.

(3) Additional reports requested by ERCOT. ERCOT may require reporting entities to provide to ERCOT additional information that relates to market performance for specific analytical or diagnostic purposes.

(f) Enforcement by the commission.

(1) Failure to timely file an accurate report. The commission may impose all applicable administrative penalties under §22.246 of this title for failure of a reporting entity to timely file an accurate performance measures report.

(2) Technical market mechanics.

(A) Prohibited conduct. Each entity must complete within the parameters set forth in the ERCOT Protocols and/or the Standard Tariff for Retail Delivery Service under §25.214 of this title (relating to Terms and Conditions of Retail Delivery Service Provided by Investor Owned Transmission and Distribution Utilities), at least 98% of all its technical market transactions in each transaction category identified in the filing package.

(B) Penalties. If a reporting entity violates subparagraph (A) of this paragraph, the commission may impose the following penalties, as appropriate:

(i) Administrative penalties under PURA, Chapter 15, Subchapter B, consistent with §22.246 of this title;

(ii) Any penalty against ERCOT as established by commission rule and as authorized by PURA §39.151; or

(iii) Suspension, revocation, or amendment of a REP's certificate or registration as authorized by PURA §39.356 and §25.107 of this title (relating to Certification of Retail Electric Providers (REPs)).

(g) Public information. The commission may produce a summary report on the performance measures using the information collected as a result of these reporting requirements. Any such report will only contain public information. The commission may post the report on the commissions website or provide the report to any interested entity.

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 November 7, 2025.

TRD-202504048

Andrea Gonzalez

Rules Coordinator

Public Utility Commission of Texas

Earliest possible date of adoption: December 21, 2025

For further information, please call: (512) 936-7244

◆ ◆ ◆
TITLE 19. EDUCATION

**PART 1. TEXAS HIGHER EDUCATION
COORDINATING BOARD**

CHAPTER 21. STUDENT SERVICES

SUBCHAPTER B. DETERMINATION OF RESIDENT STATUS

19 TAC §§21.21 - 21.30

The Texas Higher Education Coordinating Board (Coordinating Board) proposes the repeal of Texas Administrative Code, Title 19, Part 1, Chapter 21, Subchapter B, §§21.21 - 21.30, concerning Determination of Resident Status. Specifically, the rules being repealed are superseded by the rules in Chapter 13, Subchapter K, which were adopted in October 2025 and became effective November 2025. Under the newly adopted §13.193, the changes implemented with the adoption of Subchapter K, are effective as to resident tuition determinations made after the census date of the regular Fall 2025 semester, with determinations made before this date governed by the applicable state or federal law (including as modified by court order) at the time of the determination.

The Coordinating Board is authorized by Texas Education Code, §54.075, to adopt rules necessary to carry out the purposes of Texas Education Code, Chapter 54, Subchapter B.

Dr. Charles W. Contero-Puls, Assistant Commissioner for Student Financial Aid Programs, has determined that for each of the first five years the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rule.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Dr. Charles W. Contero-Puls, Assistant Commissioner for Student Financial Aid Programs, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be the improved rule clarity by elimination of outdated rules. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

- (1) the rules will not create or eliminate a government program;
- (2) implementation of the rules will not require the creation or elimination of employee positions;
- (3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;
- (4) the rules will not require an increase or decrease in fees paid to the agency;
- (5) the rules will not create a new rule;
- (6) the rules will not limit an existing rule;
- (7) the rules will not change the number of individuals subject to the rule; and
- (8) the rules will not affect this state's economy.

Comments on the proposed rule or information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research or analysis, may be submitted to Dr. Charles

W. Contero-Puls, Assistant Commissioner for Student Financial Aid Programs, P.O. Box 12788, Austin, Texas 78711-2788, or via email at SFAPPolicy@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The repeal is proposed under Texas Education Code, Section 54.075, which provides the Coordinating Board with the authority to adopt rules necessary to carry out the purposes of Texas Education Code, Chapter 54, Subchapter B.

The proposed repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 21, Subchapter B.

§21.21. *Authority and Purpose.*

§21.22. *Definitions.*

§21.23. *Effective Date of this Subchapter.*

§21.24. *Determination of Resident Status.*

§21.25. *Information Required to Initially Establish Resident Status.*

§21.26. *Continuing Resident Status.*

§21.27. *Reclassification Based on Additional or Changed Information.*

§21.28. *Errors in Classification.*

§21.29. *Residence Determination Official.*

§21.30. *Special Procedures for Determining Compliance.*

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 November 10, 2025.

TRD-202504076

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: December 21, 2025

For further information, please call: (512) 427-6365



PART 2. TEXAS EDUCATION AGENCY

CHAPTER 102. EDUCATIONAL PROGRAMS

SUBCHAPTER EE. COMMISSIONER'S RULES CONCERNING PILOT PROGRAMS

19 TAC §102.1056

The Texas Education Agency (TEA) proposes the repeal of §102.1056, concerning the dropout recovery pilot program. The proposed repeal would remove the rule because its authority, Texas Education Code (TEC), §39.407 and §39.416, was repealed by Senate Bill (SB) 1376, 86th Texas Legislature, Regular Session, 2019.

BACKGROUND INFORMATION AND JUSTIFICATION: Under TEC, §39.416 (formerly §39.366), the commissioner of education exercised rulemaking authority to adopt rules to administer the High School Completion and Success Initiative through the adoption of §102.1056. This rule established and implemented the pilot program to provide eligible entities with grants to identify and recruit students who had dropped out of Texas public schools and provide them services designed to enable them to earn a high school diploma or demonstrate

college readiness. SB 1376, 86th Texas Legislature, Regular Session, 2019, repealed TEC, §§39.407, 39.411, and 39.416. The proposed repeal of §102.1056 is necessary because the authorizing statutes no longer exist. Furthermore, funding for the pilot program ceased years before the authorizing statutes were repealed.

FISCAL IMPACT: Monica Martinez, associate commissioner for standards and 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 repeal an existing regulation by removing a rule authorizing a pilot program for which statutory authority no longer exists.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not expand or limit 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: Ms. Martinez has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be to remove a rule for which statutory authority no longer exists. There is no anticipated economic cost to persons who are required to comply with the proposal.

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

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

PUBLIC COMMENTS: The public comment period on the proposal begins November 21, 2025, and ends December 22, 2025. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14

calendar days after notice of the proposal has been published in the *Texas Register* on November 21, 2025. A form for submitting public comments is available on the TEA website at [https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_\(TAC\)/Proposed_Commissioner_of_Education_Rules/](https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_(TAC)/Proposed_Commissioner_of_Education_Rules/).

STATUTORY AUTHORITY. The repeal is proposed under former Texas Education Code (TEC), §39.407, which addressed the strategic plan of the High School Completion and Success Initiative Council and included rulemaking authority for the commissioner of education; former TEC, §39.411(c), which addressed the recommendations of the High School Completion and Success Initiative Council, including implementation of those recommendations via a grant-making process; and former TEC, §39.416, which provided the commissioner of education with rulemaking authority for former TEC, Chapter 39, Subchapter M, High School Completion and Success Initiative.

CROSS REFERENCE TO STATUTE. The repeal implements former Texas Education Code, §§39.407, 39.411(c), and 39.416.

§102.1056. Dropout Recovery Pilot Program.

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

Filed with the Office of the Secretary of State on November 4, 2025.

TRD-202503980

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Earliest possible date of adoption: December 21, 2025

For further information, please call: (512) 475-1497



TITLE 22. EXAMINING BOARDS

PART 23. TEXAS REAL ESTATE COMMISSION

CHAPTER 533. PRACTICE AND PROCEDURE SUBCHAPTER B. GENERAL PROVISIONS RELATING TO PRACTICE AND PROCEDURE

22 TAC §533.11

The Texas Real Estate Commission (TREC) proposes a new 22 TAC §533.11, Temporary Suspensions, in Chapter 533, Practice and Procedure.

Sections 1101.662 and 1102.408 of the Texas Occupations Code require the Commission to temporarily suspend a license when a license holder's continued practice would constitute a continuing threat to the public welfare. The new rule is proposed to clarify the process as to when and how a temporary suspension is utilized.

The proposed new rule was recommended by the Commission's Enforcement Committee.

Abby Lee, General Counsel, has determined that for the first five-year period the proposed new rule is in effect there will be no fiscal implications for the state or for units of local government

as a result of enforcing or administering the sections. There is no adverse economic effect anticipated for small businesses, micro-businesses, rural communities, or local or state employment as a result of implementing the proposed new rule. There is no significant economic cost anticipated for persons who are required to comply with the proposed new rule. Accordingly, no Economic Impact Statement or Regulatory Flexibility Analysis is required.

Ms. Lee also has determined that for each year of the first five years the section as proposed is in effect, the public benefit anticipated as a result of enforcing the section will be greater accuracy and clarity in the rules.

Except as otherwise provided, for each year of the first five years the proposed new rule is 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;

require an increase or decrease in fees paid to the agency;

expand, limit or repeal an existing regulation;

increase or decrease the number of individuals subject to the rule's applicability;

positively or adversely affect the state's economy.

The proposal technically create a new regulation, however, the authority and general process to issue a temporary suspension currently exists under sections 1101.662 and 1102.408, Occupations Code.

The Commission requests comments on the proposal, including information related to the cost, benefit, or effect of the proposal, including any applicable data, research, or analysis, from any person required to comply with the proposal or any other interested person, which may be submitted through the online comment submission form at <https://www.trec.texas.gov/rules-and-laws/comment-on-proposed-rules>, to Abby Lee, General Counsel, Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711-2188, or via email to general.counsel@trec.texas.gov. The deadline for comments is 30 days after publication in the *Texas Register*.

The new rule is proposed under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102. The new rule is also proposed under Texas Occupations Code, §§1101.662 and 1102.408 which require the Commission to temporarily suspend a license when a license holder's continued practice would constitute a continuing threat to the public welfare.

The statutes affected by this proposal are Texas Occupations Code, Chapters 1101 and 1102. No other statute, code or article is affected by the proposed new rule.

§533.11. Temporary Suspensions.

(a) Disciplinary Panel.

(1) The three Commission members of the Enforcement Committee appointed by the chair of the Commission shall serve as

the disciplinary panel (the "Panel") under §1101.662 and §1102.408, Texas Occupations Code.

(2) The chair of the Commission may appoint a Commission member to act as an alternate member of the Panel in the event a member of the Panel is recused or unable to attend a temporary suspension proceeding.

(b) Motion for Temporary Suspension.

(1) Commission staff may request the Panel temporarily suspend a license in accordance with paragraph (2) of this subsection if:

(A) the Commission has opened a complaint against a license holder; and

(B) credible evidence shows:

(i) a license holder may continue to engage in conduct that may violate Chapters 1101 or 1102, Texas Occupations Code, ("Chapters 1101 or 1102") or Commission rules; and

(ii) the license holder's conduct involves recent or current activity requiring a license under Chapters 1101 or 1102.

(2) Commission staff must request a temporary suspension proceeding in writing by filing a motion for temporary suspension with the Commission's general counsel.

(c) Temporary Suspension Proceeding.

(1) The Panel shall post notice of the temporary suspension proceeding pursuant to §551.045 of the Texas Government Code and §1101.662(d) or §1102.408(d), Texas Occupations Code, and hold the temporary suspension proceeding as soon as possible.

(2) The Panel may make a determination regarding a temporary suspension without notice to the license holder or hearing pursuant to §1101.662(c) or §1102.408(c), Texas Occupations Code, or may, if appropriate in the judgment of the chair of the Panel, provide the license holder with three days' notice of a temporary suspension hearing.

(3) The requirement under §1101.662(c)(1) or §1102.408(c)(1), Texas Occupations Code, that "institution of proceedings for a contested case hearing is initiated simultaneously with the temporary suspension" is satisfied if, on the same day the motion for temporary suspension is filed under subsection (b)(2) of this section, the licensed holder that is the subject of the temporary suspension motion, and SOAH, as applicable, is sent a Notice of Alleged Violation that alleges facts precipitating the need for a temporary suspension.

(4) The Panel may receive information, including testimony, in oral or written form.

(5) Documentary evidence must be submitted to the Commission's general counsel in electronic format at least 24 hours in advance of the time posted for the temporary suspension proceeding in all cases where the Panel will be meeting via teleconference.

(6) If a hearing is held following notice to a license holder, oral arguments will be conducted in accordance with the following:

(A) Commission staff will have the burden of proof and shall open and close.

(B) The party responding to the motion for temporary suspension may offer rebuttal arguments.

(C) Parties may request an opportunity for additional rebuttal subject to the discretion of the chair of the Panel.

(D) The chair of the Panel may set reasonable time limits for any oral arguments and evidence to be presented by the parties.

(E) The Panel may question witnesses and attorneys at the members' discretion.

(F) Information, including testimony, that is clearly irrelevant, unreliable, or unduly inflammatory will not be considered

(7) A temporary suspension proceeding is ancillary to a disciplinary proceeding regarding alleged violations of Chapters 1101 or 1102, Texas Occupations Code, or Commission rules and is not dispositive concerning any such violations.

(d) Determination by Panel.

(1) The determination of the Panel may be based not only on evidence admissible under the Texas Rules of Evidence, but may be based on evidence that is:

(A) necessary to ascertain facts not reasonably susceptible of proof under those rules;

(B) not precluded by statute; and

(C) of a type on which a reasonably prudent person commonly relies in the conduct of the person's affairs.

(2) The Panel shall temporarily suspend a license if the Panel determines from information presented to the Panel that the license holder's continued practice would constitute a continuing threat to the public welfare in accordance with §1101.662 and §1102.408, Texas Occupations Code, and this section.

(e) Temporary Suspension Order.

(1) If the Panel suspends a license, it shall do so by order and the suspension shall remain in effect for the period of time stated in the order, not to exceed the date a final order issued by the Commission in the underlying contested case proceeding becomes effective.

(2) The Panel order must recite the factual and legal basis for imminent peril warranting temporary suspension.

(f) Motion for Rehearing on the Temporary Suspension.

(1) If credible and verifiable information that was not presented to the Panel at a temporary suspension proceeding, which contradicts information that influenced the decision of the Panel to order a temporary suspension, is subsequently presented to the Panel with a motion for rehearing on the suspension, the chair of the Panel will schedule a rehearing on the matter.

(2) The chair of the Panel will determine, in the chair's sole discretion, whether the new information meets the standard set out in this subsection.

(3) A rehearing on a temporary suspension will be limited to presentation and rebuttal of the new information.

(4) The chair of the Panel may set reasonable time limits for any oral arguments and evidence to be presented by the parties.

(5) Panel members may question witnesses and attorneys.

(6) Evidence that is clearly irrelevant, unreliable, or unduly inflammatory will not be considered.

(7) Any temporary suspension previously ordered will remain in effect, unless the Panel holds a rehearing on the matter and issues a new order rescinding the temporary suspension.

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 November 6, 2025.

TRD-202504039

Abby Lee

General Counsel

Texas Real Estate Commission

Earliest possible date of adoption: December 21, 2025

For further information, please call: (512) 936-3057



CHAPTER 535. GENERAL PROVISIONS

SUBCHAPTER R. REAL ESTATE INSPECTORS

22 TAC §535.214

The Texas Real Estate Commission (TREC) proposes amendments to 22 TAC §535.214, Education and Experience Requirements for a License, in Chapter 535, General Provisions.

The proposed changes clarify that qualifying education must be completed prior to beginning the Texas Practicum. This proposal helps ensure that applicants have foundational knowledge that can be applied to the Practicum's required inspections.

The proposed changes were recommended by the Texas Real Estate Inspector Committee.

Abby Lee, General Counsel, has determined that for the first five-year period the proposed amendments are in effect there will be no fiscal implications for the state or for units of local government as a result of enforcing or administering the sections. There is no adverse economic effect anticipated for small businesses, micro-businesses, rural communities, or local or state employment as a result of implementing the proposed amendments. There is no significant economic cost anticipated for persons who are required to comply with the proposed amendments. Accordingly, no Economic Impact Statement or Regulatory Flexibility Analysis is required.

Ms. Lee also has determined that for each year of the first five years the sections as proposed are in effect, the public benefit anticipated as a result of enforcing the section will be greater clarity and consistency in the rules.

For each year of the first five years the proposed amendments are in effect, the amendments 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;

require an increase or decrease in fees paid to the agency;

create a new regulation;

expand, limit or repeal an existing regulation;

increase or decrease the number of individuals subject to the rule's applicability;

positively or adversely affect the state's economy.

The Commission requests comments on the proposal, including information related to the cost, benefit, or effect of

the proposed rule, including any applicable data, research, or analysis, from any person required to comply with the proposal or any other interested person, which may be submitted through the online comment submission form at <https://www.trec.texas.gov/rules-and-laws/comment-on-proposed-rules>, to Abby Lee, General Counsel, Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711-2188, or via email to general.counsel@trec.texas.gov. The deadline for comments is 30 days after publication in the *Texas Register*.

The amendments are proposed under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102. The amendments are also proposed under Texas Occupations Code, §1102.111, which authorizes the Commission to provide by rule for the substitution of relevant experience and additional education in obtaining a license.

The statute affected by this proposal is Texas Occupations Code, Chapter 1102. No other statute, code or article is affected by the proposed amendments.

§535.214. Education and Experience Requirements for a License.

(a) Sponsored Experience and Education Requirements for a Real Estate Inspector License. To become licensed as a real estate inspector a person must:

(1) satisfy the 90-hour education requirement for licensure by completing the following coursework:

(A) Property and Building Inspection Module I, total 40 hours;

(B) Property and Building Inspection Module II, total 40 hours; and

(C) Business Operations and Professional Responsibilities Module, total 10 hours;

(2) have been licensed as an apprentice inspector on active status for a total of at least three months within the 12 month period before the filing of the application;

(3) complete 25 inspections; and

(4) pass the licensure examinations set out in §535.209 of this subchapter (relating to Examinations).

(b) Sponsored Experience and Education Requirements for a Professional Inspector License. To become licensed as a professional inspector, a person must:

(1) satisfy the 134-hour education requirement for licensure by completing the following coursework:

(A) Property and Building Inspection Module I, total 40 hours;

(B) Property and Building Inspection Module II, total 40 hours;

(C) Business Operations and Professional Responsibilities Module, total 10 hours;

(D) Texas Law Module, total 20 hours; and

(E) Texas Standards of Practice Module, total 24 hours;

(2) have been licensed as a real estate inspector on active status for a total of at least 12 months within the 24 month period before the filing of the application;

(3) complete 175 inspections; and

(4) pass the licensure examinations set out in §535.209 of this subchapter.

(c) Sponsored Experience Criteria. To meet the experience requirements for licensure under subsections (a) or (b) of this section, or to sponsor apprentice inspectors or real estate inspectors:

(1) the Commission considers an improvement to real property to be any unit capable of being separately rented, leased or sold; and

(2) an inspection of an improvement to real property that includes the structural and equipment/systems of the unit constitutes a single inspection.

(d) Substitute Experience and Education Requirements for a Real Estate Inspector License. As an alternative to subsection (a) of this section, to become a licensed real estate inspector, a person must:

(1) complete a total of 114 hours of qualifying inspection coursework, which must include the following:

(A) Property and Building Inspection Module I, total 40 hours;

(B) Property and Building Inspection Module II, total 40 hours;

(C) Business Operations and Professional Responsibilities Module, total 10 hours; and

(D) Texas Standards of Practice Module, total 24 hours; and

(2) complete the Texas Practicum, as defined by subsection (h) of this section; and

(3) pass the licensure examinations set out in §535.209 of this subchapter; and

(4) be sponsored by a professional inspector.

(e) Substitute Experience and Education Requirements for a Professional Inspector License. As an alternative to subsection (b) of this section, to become a licensed professional inspector, a person must:

(1) complete a total of 154 hours of qualifying inspection coursework, which must include the following:

(A) Property and Building Inspection Module I, total 40 hours;

(B) Property and Building Inspection Module II, total 40 hours;

(C) Business Operations and Professional Responsibilities Module, total 10 hours;

(D) Analysis of Findings and Reporting Module, total 20 hours;

(E) Texas Law Module, total 20 hours;

(F) Texas Standards of Practice Module, total 24 hours; and

(2) complete the Texas Practicum as defined by subsection (h) of this section; and

(3) pass the licensure examinations set out in §535.209 of this subchapter.

(f) Courses completed for a real estate inspector license under this section shall count towards the identical qualifying inspection coursework for licensure as a professional inspector.

(g) Experience Credit. The Commission may award credit for education required under subsections (d) and (e) of this section to an applicant who:

(1) has three years of experience in a field directly related to home inspection, including but not limited to installing, servicing, repairing or maintaining the structural, mechanical and electrical systems found in improvements to real property; and

(2) provides to the Commission two affidavits from persons who have personal knowledge of the applicant's work, detailing the time and nature of the applicant's relevant experience.

(h) Texas Practicum.

(1) An applicant must complete all required qualifying inspection coursework before beginning the Texas Practicum.

(2) [(4)] To receive credit for completion, the Texas Practicum must:

(A) be supervised by a licensed inspector who has:

(i) been actively licensed as a professional inspector for at least five years; and

(ii) at least three years of supervisory or training experience with inspectors; or

(iii) performed a minimum of 200 real estate inspections as a Texas professional inspector;

(B) consist of:

(i) a minimum of five complete and in-person inspections, totaling 40 hours, including the preparation by the applicant of a written inspection report for each completed inspection; and

(ii) no more than four students per supervising inspector; and

(C) include a review of each inspection report prepared by the applicant in which the supervising inspector must find that each report:

(i) is considered satisfactory for release to an average consumer; and

(ii) demonstrates an understanding of:

(I) report writing;

(II) client interaction;

(III) personal property protection; and

(IV) concepts critical for the positive outcome of the inspection process.

(3) [(2)] An applicant may request credit for completing the Texas Practicum by submitting to the Commission the credit request form approved by the Commission.

(4) [(3)] Audits.

(A) The Commission staff may conduct an audit of any information provided on the credit request form, including verifying that the supervising inspector meets the qualifications in paragraph (2)(A) [(4)(A)] of this subsection.

(B) The following acts committed by a supervising inspector conducting the Texas Practicum are grounds for disciplinary action:

(i) making material misrepresentation of fact;

(ii) making a false representation to the Commission, either intentionally or negligently, that an applicant completed the Texas Practicum in its entirety, satisfying all requirements for 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 November 6, 2025.

TRD-202504040

Abby Lee

General Counsel

Texas Real Estate Commission

Earliest possible date of adoption: December 21, 2025

For further information, please call: (512) 936-3057



TITLE 28. INSURANCE

PART 1. TEXAS DEPARTMENT OF INSURANCE

CHAPTER 5. PROPERTY AND CASUALTY INSURANCE

SUBCHAPTER E. TEXAS WINDSTORM INSURANCE ASSOCIATION

The Texas Department of Insurance (TDI) proposes new 28 TAC §5.4013 and amendments to §§5.4011, 5.4012, 5.4601, 5.4603, 5.4622, and 5.4642, concerning the adoption of the 2024 *International Residential Code* (IRC) and 2024 *International Building Code* (IBC), to update the building standards for structures that the Texas Windstorm Insurance Association (TWIA) insures. Sections 5.4011 - 5.4013, 5.4601, 5.4603, 5.4622, and 5.4642 implement Insurance Code §2210.251(b) and §2210.252. The 2024 editions of the IRC and IBC apply to construction, repairs, or additions that begin on or after March 1, 2026.

EXPLANATION. New §5.4013 and amendments to §§5.4011, 5.4012, 5.4601, 5.4603, 5.4622, and 5.4642 are necessary to adopt the 2024 IRC and IBC and make conforming changes to adopted forms. These amendments are also necessary to correct applicable dates for the 2006 and 2018 IRC and IBC because an emergency rule adopted under 28 TAC §35.3 in response to the coronavirus delayed the effective date. Insurance Code §2210.251(b) requires the commissioner to adopt the 2003 IRC and allows for the adoption of subsequent editions of and supplements to the IRC published by the International Code Council (ICC). Insurance Code §2210.252 allows the commissioner to supplement by rule the plan of operation building specifications with the structural provisions of the IRC, as well as to adopt by rule a subsequent edition of or supplement to the IRC.

Descriptions of the sections' proposed amendments follow.

Section 5.4011. Amendments to §5.4011 update contact information for the ICC and information on where the current IRC and

IBC are published. They also correct information in the text concerning the applicable dates for the 2006 IRC and IBC by changing the applicability end date from April 1, 2020, to September 1, 2020.

Section 5.4012. Amendments to §5.4012 update and correct information in the text concerning the applicable dates for the 2018 IRC and IBC by changing the applicability start date from April 1, 2020, to September 1, 2020, and setting the applicability end date as March 1, 2026.

Section 5.4013. New §5.4013 adopts the 2024 IRC and IBC, which apply to construction that begins on or after March 1, 2026. Proposed subsection (b) of §5.4013 provides an exemption from §5.4013(a) for repairs, alterations, and additions necessary for the preservation, restoration, rehabilitation, or continued use of a historic structure. Subsection (b)(1) - (3) defines the attributes that make a structure a historic structure. These subsections are consistent with previously adopted building code requirements.

Section 5.4601. Amendments to §5.4601 update the definition of "windstorm building code standards" to include the requirements in §5.4013 and the adoption of the 2024 IRC and IBC, as well as correct the applicable dates for the 2006 and 2018 IRC and IBC.

Section 5.4603. Amendments to §5.4603 adopt by reference updated forms relevant to the 2024 IRC and IBC, as well as require certain forms be submitted to TDI electronically using the Windstorm system. The amendments also provide that reference to a form's prefix refers to all forms with that prefix unless otherwise stated.

Section 5.4622. An amendment to §5.4622 replace the reference to Form WPI-2-BC-6 with a general reference to all WPI-2 forms.

Section 5.4642. Amendments to §5.4632 replace the reference to Form WPI-2-BC-6 with reference to all WPI-2 forms.

In addition to the section-specific changes previously described, the proposal includes nonsubstantive rule drafting and formatting changes throughout for plain language and to conform the sections to the agency's current style and improve clarity. These changes include adding titles for cited Insurance Code and Administrative Code sections, removing unneeded form references, and lowercasing "commissioner."

TDI invited public comment on an informal draft posted on its website on August 8, 2025. No comments were received.

FISCAL NOTE AND LOCAL EMPLOYMENT IMPACT STATEMENT. James D. "Donny" Cox, Inspections director, Property and Casualty Division, has determined that during each year of the first five years the sections as proposed are in effect, there will be no measurable fiscal impact on state and local governments as a result of enforcing or administering them, other than that imposed by statute. Mr. Cox made this determination because the sections as proposed do not add to or decrease state revenues or expenditures. Although local governments do not generally have to enforce or comply with the sections as proposed, compliance is necessary to receive TWIA coverage. Compliance is further explained in the Public Benefit and Cost Note section of this proposal.

Mr. Cox does not anticipate a measurable effect on local employment or the local economy as a result of this proposal.

PUBLIC BENEFIT AND COST NOTE. For each year of the first five years the sections as proposed are in effect, Mr. Cox expects that enforcing them will have the public benefits of ensuring

that (1) TDI's rules conform to Insurance Code §2210.251(b) and §2210.252; and (2) new construction incorporates advances in technology, which enables greater understanding of wind engineering. Studies conducted after recent hurricanes have shown that construction practices required in the newer editions of the building codes result in structures that perform better in high-wind events, mitigating property damage and related risk to human life caused by wind and hail. The 2024 IRC and IBC provide current guidance and clarification for construction in the designated catastrophe areas. When the updated codes are properly employed, consistency and uniformity in the design, construction, and inspection of residences and businesses participating in the windstorm inspection process will result.

Mr. Cox expects that the sections as proposed will impose a minimal economic cost on persons required to comply with the new and amended sections. Costs include (1) purchase of the code books or online access to the code books for use as a reference, (2) labor to become familiar with the updated codes, and (3) the construction costs associated with meeting the codes' requirements. The sections as proposed modify but do not add to the current rule requirements for conducting inspections and gathering substantiating information. Thus, this cost note does not consider those costs.

Engineers and construction supervisors may need to purchase copies of the 2024 IRC and the IBC from the ICC. A copy of the 2024 IRC book costs \$203, and one month of online access costs \$10.40. A copy of the 2024 IBC book costs \$234, and one month of online access costs \$10.40.

TDI anticipates that there may be labor costs to familiarize qualified inspectors and other stakeholders with the codes' 2024 editions. Some appointed qualified inspectors are already somewhat familiar with the 2024 versions of the IRC and IBC. These codes are similar to existing adopted codes for windstorm inspections, and qualified inspectors are also familiar with codes adopted by local ordinances, including the communities that have already adopted the 2024 code versions.

According to the U.S. Bureau of Labor Statistics (BLS), the hourly mean wage in the Coastal Plains Region of Texas nonmetropolitan area is \$43.76 for civil engineers, \$33.64 for civil engineering technicians, and \$37.07 for first-line supervisors of construction trades and extraction workers (U.S. Department of Labor (DOL), BLS, Occupational Employment Statistics, May 2024 Metropolitan and Nonmetropolitan Area Occupational Employment and Wage Estimates, Coastal Plains Region of Texas nonmetropolitan area; see <https://data.bls.gov/oes/#/area/4800006>). The BLS shows the hourly mean wage in the Houston area is \$53.10 for civil engineers, \$39.44 for civil engineering technicians, and \$37.69 for first-line supervisors of construction trades and extraction workers (DOL, BLS, Occupational Employment Statistics, May 2024 Metropolitan and Nonmetropolitan Area Occupational Employment and Wage Estimates, Houston-Pasadena-The Woodlands, Texas metropolitan area; see <https://data.bls.gov/oes/#/area/0026420>). TDI estimates that affected individuals will require an average of eight hours to become familiar with the 2024 IRC and IBC. These individuals are in the best position to estimate the potential cost.

Replacement of one standardized building code by another is part of the nationwide construction industry's natural cost progression. Actual additional costs to comply with the revised standards will vary on the basis of each property's individual circumstances. Costs from slightly increased materials will be off-

set by greater efficiencies created by technological advances in the manufacturing and assemblage of building components, improved construction methods, and other standardization and modernization measures. This will offer greater protection to insureds and lower repair costs resulting from a wind event.

No individual or entity is required to comply with the proposed new section; only structures that are insured through TWIA must be built in compliance with the new standards. However, in many areas of the Texas sea coast's designated catastrophe areas, voluntary wind insurance is difficult to obtain, leaving many property owners with no other option than to insure through TWIA.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS. TDI has determined that the sections as proposed may have an adverse economic effect or a disproportionate economic impact on small or micro businesses, and on rural communities. The cost analysis in the Public Benefit and Cost Note section also applies to these small and micro businesses and rural communities. TDI estimates that the sections as proposed may affect approximately 556 small or micro businesses and about 110 rural communities.

As of August 20, 2025, there were 556 appointed qualified inspectors. And there were approximately 37 professional engineers as of that date who only certify completed improvements. Almost all these inspectors and engineers will qualify as small and micro businesses. As stated in the Public Benefit and Cost Note section, TDI anticipates that each person acting as a qualified inspector or professional engineer would incur some costs because of this proposal. Those costs would result from acquiring copies of the revised adopted codes and the labor costs associated with becoming familiar with them.

Rural communities may be affected by these rules, too. There are about 110 general-law and home-rule cities in the affected coastal counties. Some rural communities may have already adopted the 2024 IRC and IBC. However, in many parts of the Texas sea coast's designated catastrophe areas, voluntary wind insurance is difficult to obtain, leaving many property owners with no other option than to insure through TWIA. Some rural communities may have their property insured by TWIA and thus may be affected by the same costs as detailed in the Public Benefit and Cost Note section.

The proposal's primary objective is to benefit the public by ensuring that new construction incorporates advances in technology and promotes greater understanding of wind engineering. This will help reduce property damage and related risk to human life caused by wind and hail. TDI considered the following alternatives to minimize any adverse impact on small or micro businesses and rural communities while accomplishing the proposal's objectives:

- (1) not proposing the new and amended sections;
- (2) proposing a different requirement for small or micro businesses and rural communities; and
- (3) exempting small or micro businesses and rural communities from the proposed requirements that could create an adverse impact.

Not proposing the new and amended sections. This proposal's purpose is to benefit the public by ensuring that new construction incorporates advances in technology and enables greater understanding of wind engineering. Without this proposal and the adoption of amended rules for these subchapters, no one who uses a TWIA-insured structure would benefit from improved

engineering requirements. Instead, they would be required to continue following outdated standards set in 2018.

Failure to propose and adopt the new and amended rules would also undermine the purpose of Insurance Code §2210.251 and §2210.252. For these reasons, TDI has rejected this option.

Proposing a different requirement for small or micro businesses and rural communities. TDI believes that proposing different standards for small and micro businesses and rural communities than those included in this proposal would not provide a better option for these businesses. Alternative standards would be less relevant and effective and would lead to confusion. Adopting modified versions of the proposed building codes, or an earlier version of the proposed building codes, would not benefit small and micro businesses or rural communities. This option would create confusion as to which codes are applicable. The proposed buildings codes are more current, and exceptions would mean that building codes for buildings owned by small and micro businesses or in rural communities would be more vulnerable to wind and hail and lead to higher losses to TWIA. Adopting uniform building codes helps building owners, contractors, and TWIA apply consistent standards.

The potential for public harm resulting from adopting different regulatory requirements for small and micro businesses and rural communities would outweigh any potential benefit. For these reasons, TDI has rejected this option.

Excluding small or micro businesses and rural communities from the proposed requirements that could create an adverse impact. As addressed in the Public Benefit and Cost Note section, anticipated costs under the proposal are the result of adopting the 2024 editions of the IRC and the IBC. If small or micro businesses and rural communities were excluded, they would not incur the anticipated costs, but the building codes would not be uniform among TWIA's insureds. Some buildings would fall under the new standards, and others the old. Because structures built to older building codes are more vulnerable to wind and hail, it could lead to higher losses for TWIA and would make it more difficult for TWIA to predict losses.

Excluding small or micro businesses and rural communities from these provisions' applicability would create potential harm for affected persons and the public that would outweigh the potential benefits. It is also not practical to exclude them. For these reasons, TDI has rejected this option.

EXAMINATION OF COSTS UNDER GOVERNMENT CODE §2001.0045. TDI has determined that this proposal does impose a possible cost on regulated persons. However, no additional rule amendments are required under Government Code §2001.0045 because the sections as proposed are necessary to implement legislation. The proposed rulemaking implements Insurance Code §2210.251(b) and §2210.252, as added by House Bill 2017, 79th Legislature, 2015.

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

- will not create or eliminate a government program;
- will not require the creation of new employee positions or the elimination of existing employee positions;
- will not require an increase or decrease in future legislative appropriations to the agency;

- will not require an increase or decrease in fees paid to the agency;
- will 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 positively affect the Texas economy.

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

REQUEST FOR PUBLIC COMMENT. TDI will consider any written comments on the proposal that are received by TDI no later than 5:00 p.m., central time, on December 23, 2025. Consistent with Government Code §2001.0024(a)(8), TDI requests public comments on the proposal, including information related to the cost, benefit, or effect of the proposal, and any applicable data, research, and analysis. Send your comments to ChiefClerk@tdi.texas.gov or to the Office of the Chief Clerk, MC: GC-CCO, Texas Department of Insurance, P.O. Box 12030, Austin, Texas 78711-2030.

The commissioner of insurance will also consider written and oral comments on the proposal in a public hearing under Docket No. 2861 at 10 a.m. central time, on December 16, 2025, in Room 2.034 of the Barbara Jordan State Office Building, 1601 Congress Avenue, Austin, Texas 78701.

DIVISION 1. PLAN OF OPERATION

28 TAC §§5.4011 - 5.4013

STATUTORY AUTHORITY. TDI proposes amendments to §5.4011 and §5.4012 and new §5.4013 under Insurance Code §2210.251(b), §2210.252, and 36.001.

Insurance Code §2210.251(b) requires the commissioner to adopt the 2003 IRC and allows for the adoption of subsequent editions and supplements to the IRC published by the ICC.

Insurance Code §2210.252 allows the commissioner to supplement by rule the plan of operation building specifications with the structural provisions of the IBC, as well as to adopt by rule a subsequent edition of the IBC.

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

CROSS-REFERENCE TO STATUTE. §§5.4011, 5.4012, and 5.4013 implement Insurance Code §2210.251(b) and §2210.252.

§5.4011. Applicable Building Code Standards in Designated Catastrophe Areas for Structures Constructed, Repaired, or to Which Additions Are Made On and After January 1, 2008, and before September [April] 1, 2020.

(a) To be eligible for catastrophe property insurance, structures located in the designated catastrophe areas specified in §5.4008 of this title (relating to Applicable Building Code Standards in Designated Catastrophe Areas for Structures Constructed, Repaired or to Which Additions Are Made On and After September 1, 1998, and be-

fore February 1, 2003) and which are constructed, repaired, or to which additions are made on and after January 1, 2008, and before September [April] 1, 2020, must comply with the 2006 Editions of the International Residential Code and the International Building Code, as each is revised by the 2006 Texas Revisions, and all of which are adopted by reference to be effective January 1, 2008. The codes are published by and available from the International Code Council at iccsafe.org or by calling toll-free 1-888-422-7233, and the 2006 Texas Revisions to the 2006 Edition of the International Residential Code are available from the Windstorm Inspections Program of the Inspections Office at TDI and on the TDI website at www.tdi.texas.gov. [The codes are published by and available from the International Code Council, Publications, 4051 West Flossmoor Road, Country Club Hills, Illinois, 60478-5795, (Telephone: 888-422-7233); and the 2006 Texas Revisions to the 2006 Edition of the International Residential Code and the 2006 Texas Revisions to the 2006 Edition of the International Building Code are available from the Windstorm Inspections Section of the Inspections Division, Texas Department of Insurance, 333 Guadalupe, P.O. Box 149104, MC 104-INS, Austin, Texas, 78714-9104 and on the Texas Department of Insurance website at www.tdi.texas.gov.] The following wind speed requirements must apply.[:]

(1) Areas seaward of the intracoastal canal. To be eligible for catastrophe property insurance, structures located in designated catastrophe areas which are seaward of the intracoastal canal and constructed, repaired, or to which additions are made on and [or] after January 1, 2008, and before September [April] 1, 2020, must be designed and constructed to resist a 3-second gust of 130 miles per hour.

(2) Areas inland of the intracoastal canal and within approximately 25 miles of the Texas coastline and east of the specified boundary line and certain areas in Harris County. To be eligible for catastrophe property insurance, structures located in designated catastrophe areas specified in §5.4008(b)(2)(A) and (B) of this title [(relating to Applicable Building Code Standards in Designated Catastrophe Areas for Structures Constructed, Repaired or to Which Additions Are Made On and After September 1, 1998, and before February 1, 2003)] and constructed, repaired, or to which additions are made on and [or] after January 1, 2008, and before September [April] 1, 2020, must be designed and constructed to resist a 3-second gust of 120 miles per hour.

(3) Areas inland and west of the specified boundary line. To be eligible for catastrophe property insurance, structures located in designated catastrophe areas specified in §5.4008(c) of this title [(relating to Applicable Building Code Standards in Designated Catastrophe Areas for Structures Constructed, Repaired or to Which Additions Are Made On and After September 1, 1998, and before February 1, 2003)] and constructed, repaired, or to which additions are made on and [or] after January 1, 2008, and before September [April] 1, 2020, must be designed and constructed to resist a 3-second gust of 110 miles per hour.

(b) Repairs, alterations, and additions necessary for the preservation, restoration, rehabilitation, or continued use of a historic structure may be made without conformance to the requirements of subsection (a) of this section. For [In order for] a historic structure to be exempted, at least one of the following conditions must be met.[:]

(1) The structure is listed or is eligible for listing on the National Register of Historic places.

(2) The structure is a Recorded Texas Historic Landmark (RTHL).

(3) The structure has been specifically designated by official action of a legally constituted municipal or county authority as having special historical or architectural significance, is at least 50 years

old, and is subject to the municipal or county requirements relative to construction, alteration, or repair of the structure, in order to maintain its historical designation.

§5.4012. Applicable Building Code Standards in Designated Catastrophe Areas for Structures Constructed, Repaired, or to Which Additions Are Made On and After September 1, 2020, and Before March 1, 2026.

(a) To be eligible for catastrophe property insurance, structures located in the designated catastrophe areas specified in paragraphs (1), (2), and (3) of this subsection that are constructed, repaired, or to which additions are made on and ~~on or after~~ after September ~~April~~ 1, 2020, and before March 1, 2026, must comply with the 2018 editions of the *International Residential Code* and the *International Building Code*, which are adopted by reference and applicable beginning September ~~April~~ 1, 2020. The codes are published by and available from the International Code Council at iccsafe.org or by calling toll-free 1-888-422-7233. The designated catastrophe areas are those areas:

(1) ~~[Areas]~~ seaward of the intracoastal canal;

(2) ~~[Areas]~~ inland of the intracoastal canal and within approximately 25 miles of the Texas coastline and east of the specified boundary line and certain areas in Harris County as described in §5.4008(b)(2)(A) and (B) of this title (relating to Applicable Building Code Standards in Designated Catastrophe Areas for Structures Constructed, Repaired or to Which Additions Are Made On and After September 1, 1998, and before February 1, 2003); and

(3) ~~[Areas]~~ inland and west of the specified boundary line as described in §5.4008(c) of this title.

(b) Repairs, alterations, and additions necessary for the preservation, restoration, rehabilitation, or continued use of a historic structure may be made without conformance to the requirements of subsection (a) of this section. For a historic structure to be exempted, at least one of the following conditions must apply to the structure.[:]

(1) The structure is listed or is eligible for listing on the National Register of Historic Places.

(2) The structure is a Recorded Texas Historic Landmark by the Texas Historical Commission.

(3) The structure has been designated by official action of a legally constituted municipal or county authority as having special historical or architectural significance, is at least 50 years old, and is subject to the municipal or county requirements relative to construction, alteration, or repair of the structure to maintain its historical designation.

§5.4013. Applicable Building Code Standards in Designated Catastrophe Areas for Structures Constructed, Repaired, or to Which Additions Are Made On and After March 1, 2026.

(a) To be eligible for catastrophe property insurance, structures located in the designated catastrophe areas specified in paragraphs (1), (2), and (3) of this subsection that are constructed, repaired, or to which additions are made on and after March 1, 2026, must comply with the 2024 editions of the *International Residential Code* and the *International Building Code*, which are adopted by reference and applicable beginning March 1, 2026. The codes are published by and available from the International Code Council at iccsafe.org or by calling toll-free 1-888-422-7233. The designated catastrophe areas are those areas:

(1) seaward of the intracoastal canal;

(2) inland of the intracoastal canal and within approximately 25 miles of the Texas coastline and east of the specified

boundary line and certain areas in Harris County as described in §5.4008(b)(2)(A) and (B) (relating to Applicable Building Code Standards in Designated Catastrophe Areas for Structures Constructed, Repaired or to Which Additions Are Made On and After September 1, 1998, and before February 1, 2003) of this title; and

(3) inland and west of the specified boundary line as described in §5.4008(c) of this title.

(b) Repairs, alterations, and additions necessary for the preservation, restoration, rehabilitation, or continued use of a historic structure may be made without conformance to the requirements of subsection (a) of this section. For a historic structure to be exempted, at least one of the following conditions must apply to the structure.

(1) The structure is listed or is eligible for listing on the National Register of Historic Places.

(2) The structure is an RTHL by the Texas Historical Commission.

(3) The structure has been designated by official action of a legally constituted municipal or county authority as having special historical or architectural significance, is at least 50 years old, and is subject to the municipal or county requirements relative to construction, alteration, or repair of the structure to maintain its historical designation.

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 November 10, 2025.

TRD-202504070

Jessica Barta

General Counsel

Texas Department of Insurance

Earliest possible date of adoption: December 21, 2025

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



DIVISION 7. INSPECTIONS FOR WINDSTORM AND HAIL INSURANCE

28 TAC §§5.4601, 5.4603, 5.4622, 5.4642

STATUTORY AUTHORITY. TDI proposes amendments to §§5.4601, 5.4603, 5.4622, and 5.4642 under Insurance Code §§2210.251(b), 2210.252, and 36.001.

Insurance Code §2210.251(b) requires the commissioner to adopt the 2003 IRC and allows for the adoption of subsequent editions and supplements to the IRC published by the ICC.

Insurance Code §2210.252 allows the commissioner to supplement by rule the plan of operation building specifications with the structural provisions of the IBC, as well as to adopt by rule a subsequent edition of the IBC.

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

CROSS-REFERENCE TO STATUTE. §§5.4601, 5.4603, 5.4622, and 5.4642 implement Insurance Code §2210.251(b) and §2210.252.

§5.4601. *Definitions.*

The following definitions apply to this subchapter:

(1) Applicant--A person who submits a new or renewal application for appointment as an appointed qualified inspector.

(2) Appointed qualified inspector--An engineer licensed by the Texas Board of Professional Engineers and appointed by TDI as a qualified inspector under Insurance Code §2210.254(a)(2), concerning Qualified Inspectors.

(3) Appointed qualified inspector number--A number TDI assigns to each appointed qualified inspector.

(4) Constructed or construction--The act of building or erecting a structure or repairing (including reroofing), altering, remodeling, or enlarging an existing structure.

(5) Completed improvement--

(A) An improvement in which the original transfer of title from the builder to the initial owner of the improvement has occurred; or

(B) if a transfer under subparagraph (A) of this paragraph is not contemplated, an improvement that is substantially completed.

(6) Improvement--The construction of or repair (including reroofing), alteration, remodeling, or enlargement of a structure to which the plan of operation applies.

(7) Ongoing improvement--

(A) An improvement in which the original transfer of title from the builder to the initial owner of the improvement has not occurred; or

(B) if a transfer under subparagraph (A) of this paragraph is not contemplated, an improvement that is not substantially completed.

(8) Substantially completed--An improvement for which the final framing stage, including attachment of component and cladding items and installation of windborne debris protection, has been completed. If the improvement's windborne debris protection consists of wood structural panels, all the panels must be present at the improvement's location but need not be installed.

(9) TDI inspector--A qualified inspector authorized under Insurance Code §2210.254(a)(1) and employed by TDI.

(10) TDI--The Texas Department of Insurance.

(11) Texas Board of Professional Engineers and Land Surveyors, Texas Board of Professional Engineers, or TBPE--House Bill 1523, 86th Legislature, [Regular Session,] 2019, abolished the Texas Board of Professional Land Surveying and transferred its functions to the renamed Texas Board of Professional Engineers and Land Surveyors, effective September 1, 2019. All references to the Texas Board of Professional Engineers or the TBPE in this division are references to the Texas Board of Professional Engineers and Land Surveyors.

(12) Association--The Texas Windstorm Insurance Association.

(13) Windstorm building code standards--The requirements for building construction in §§5.4007 - 5.4013 [5.4012] of this title (relating to Applicable Building Code Standards in Designated Catastrophe Areas for Structures Constructed, Repaired or to Which Additions Are Made Prior to September 1, 1998; Applicable Building Code Standards in Designated Catastrophe Areas for Structures Constructed, Repaired or to Which Additions Are Made On and After

September 1, 1998, and before February 1, 2003; Applicable Building Code Standards in Designated Catastrophe Areas for Structures Constructed, Repaired or to Which Additions Are Made On and After February 1, 2003 and before January 1, 2005; Applicable Building Code Standards in Designated Catastrophe Areas for Structures Constructed, Repaired or to Which Additions Are Made On and After January 1, 2005, and before January 1, 2008; Applicable Building Code Standards in Designated Catastrophe Areas for Structures Constructed, Repaired or to Which Additions Are Made On and After January 1, 2008, and before September [April] 1, 2020; [and] Applicable Building Code Standards in Designated Catastrophe Areas for Structures Constructed, Repaired, or to Which Additions Are Made On and After September [or after April] 1, 2020, and Before March 1, 2026; and Applicable Building Code Standards in Designated Catastrophe Areas for Structures Constructed, Repaired, or to Which Additions Are Made On and After March 1, 2026; respectively).

§5.4603. *Windstorm Inspection Forms.*

(a) TDI adopts the following forms by reference and will make them available on its website.

(1) Application for Certificate of Compliance, Form WPI-1, effective April 2024, for ongoing improvements. Information requested by Form WPI-1 can be found in §5.4621(1) of this title, relating to Certification of Ongoing Improvements Inspected by Appointed Qualified Inspectors.

(2) [~~Inspection Verification, Form WPI-2-BC-6. TDI adopts by reference the~~] Inspection Verification, Form WPI-2-BC-6, effective April 2021, [January 1, 2017,] for use in windstorm inspection[;] for structures constructed, repaired, or to which additions are made on and after January 1, 2008, and before September [April] 1, 2020. Information requested by Form WPI-2-BC-6 can be found in §5.4621(4) of this title.

(3) Inspection Verification, Form WPI-2-BC-7, effective January 2026, for use in windstorm inspection for structures constructed, repaired, or to which additions are made on and after September 1, 2020, and before March 1, 2026. Information requested by Form WPI-2-BC-7 can be found in §5.4621(4) of this title.

(4) Inspection Verification, Form WPI-2-BC-8, effective January 2026, for use in windstorm inspection for structures constructed, repaired, or to which additions are made on and after March 1, 2026. Information requested by Form WPI-2-BC-8 can be found in §5.4621(4) of this title.

(5) Application for Certificate of Compliance for Completed Improvement, Form WPI-2E, effective January 2026. Information requested by Form WPI-2E can be found in §5.4604(a) and (b) of this title, relating to Certification Form for Completed Improvement.

[(b)] [Application, inspection, and renewal forms. TDI will make available the following forms on its website:]

(6) [(+)] Application for Appointment as a Qualified Inspector, Form AQI-1, effective January 2024 [January 1, 2017]. Information requested by Form AQI-1 can be found in §5.4609(b) of this title, relating to Application for Qualified Inspector Appointment.[;]

(7) [(2)] Application Renewal [Application] for Appointment as a Qualified Inspector, Form AQI-R, effective June 2025. Information requested by Form AQI-R can be found in §5.4610(b)(1) of this title, relating to Renewal of Qualified Inspector Appointment. [January 1, 2017;]

[(3)] Application for Certificate of Compliance for Ongoing Improvement, Form WPI-1, January 1, 2017;]

~~{(4) Certification Form for Completed Improvement, Form WPI-2E, effective June 1, 2020; and}~~

~~{(5) Inspection Verification, Form WPI-2, effective April 1, 2020, for structures constructed, repaired, or to which additions are made on and after April 1, 2020.}~~

(b) ~~{(e)}~~ TDI inspection and certification forms. When appropriate, TDI will issue the following forms:

(1) Field Form, Form WPI-7; ~~effective April 1, 2020; and~~

(2) Certificate of Compliance for Ongoing Improvement, Form WPI-8; ~~effective January 1, 2017~~; and

(3) Certificate of Compliance for Completed Improvement (Engineered), Form WPI-8E.

(c) The information required by the forms listed in subsection (a)(1) - (5) of this section must be submitted to TDI electronically using the Windstorm system, which is available on the TDI website. TDI will accept a completed Form WPI-1 or WPI-2 emailed to windstorm@tdi.texas.gov only when the Windstorm system is non-functional, unless the individual submitting is not a licensed professional engineer.

(d) In this subchapter, the first four alphanumeric characters in the designation of a form listed in this section, such as "WPI-2," refer to all forms with that prefix unless otherwise specified by all the characters in the designation.

§5.4622. Inspection Verification.

In submitting an Inspection Verification, Form WPI-2, ~~{or a Form WPI-2-BC-6;}~~ an appointed qualified inspector verifies that:

(1) the ongoing improvement:

(A) complies with the wind load requirements of the applicable building code; or

(B) conforms to a design of the ongoing improvement that complies with the wind load requirements of the applicable building code under the plan of operation and that has a seal affixed by a professional engineer licensed by the Texas Board of Professional Engineers and Land Surveyors; or

(C) does not comply with the wind load requirements of the applicable building code; and

(2) if the ongoing improvement meets the requirements of paragraph (1)(A) or (B) of this section, the appointed qualified inspector is able to provide TDI with information and evidence substantiating compliance.

§5.4642. Disciplinary Action.

(a) Revocation or denial of appointment. After notice and opportunity for hearing, the commissioner ~~[Commissioner]~~ may revoke an appointed qualified inspector's appointment or deny an appointed qualified inspector's application for appointment if:

(1) the applicant or appointed qualified inspector violates or fails to comply with the Insurance Code or any rule in this chapter;

(2) the applicant has made a material misrepresentation in the appointment application;

(3) the applicant has attempted to obtain an appointment by fraud or misrepresentation; or

(4) the applicant or appointed qualified inspector has made a material misrepresentation in any form, report, or other information required to be submitted to TDI, including an Application for

Certificate of Compliance for Ongoing Improvement, Form WPI-1; a construction inspection report; an Inspection Verification, Form WPI-2; ~~{an Inspection Verification, Form WPI-2-BC-6;}~~ or a Certification Form for Completed Improvement, Form WPI-2E.

(b) Cease and desist order. The commissioner ~~[Commissioner]~~, ex parte, may enter an emergency cease and desist order under Insurance Code Chapter 83, concerning Emergency Cease and Desist Orders, against an appointed qualified inspector, or a person acting as an appointed qualified inspector, if:

(1) the commissioner ~~[Commissioner]~~ believes that:

(A) the appointed qualified inspector has:

(i) failed to demonstrate, through submitting or failing to submit to TDI, substantiating information as described in §5.4626 of this title (relating to Substantiating Information), that an ongoing improvement or a portion of an ongoing improvement subject to inspection meets the requirements of Insurance Code Chapter 2210, concerning Texas Windstorm Insurance Association, and TDI rules; or

(ii) refused to comply with requirements imposed under this chapter or TDI rules; or

(B) a person acting as an appointed qualified inspector is acting without appointment under Insurance Code §2210.254, concerning Qualified Inspectors, or §2210.2551, concerning Enforcement Authority; Rules ~~[§2210.255]~~; and

(2) the commissioner ~~[Commissioner]~~ determines that the conduct described by paragraph (1) of this subsection is fraudulent, hazardous, or creates an immediate danger to the public.

(c) Alternative sanctions. Under Insurance Code §2210.2551(b) and §2210.256(b), concerning Disciplinary Proceedings Regarding Appointed Inspectors and Certain Other Persons, the commissioner ~~[Commissioner]~~, instead of revocation or denial, may impose one or more of the following sanctions if the commissioner ~~[Commissioner]~~ determines from the facts that the alternative sanction would be fair, reasonable, or equitable:

(1) suspension of the appointment for a specific period, not to exceed one year; or

(2) issuance of an order directing the appointed qualified inspector to cease and desist from the specified activity or failure to act determined to be in violation of Insurance Code Chapter 2210, Subchapter F, concerning Property Inspections for Windstorm and Hail Insurance, or rules of the commissioner ~~[Commissioner]~~ adopted under Insurance Code Chapter 2210, Subchapter F.

(d) Failure to comply with order. Under Insurance Code §2210.2551(b) and §2210.256(d), if the commissioner ~~[Commissioner]~~ finds, after notice and a hearing, that an appointed qualified inspector has failed to comply with an order issued under subsections (a), (b), or (c) of this section, the commissioner ~~[Commissioner]~~ will, unless the commissioner's ~~[Commissioner's]~~ order is lawfully stayed, revoke the appointed qualified inspector's appointment.

(e) Informal disposition. The commissioner ~~[Commissioner]~~ may informally dispose of any matter under this section or under §5.4612 of this title (relating to Appointment as Qualified Inspector) by consent order or default.

(f) Automatic cancellation. If the Texas Board of Professional Engineers and Land Surveyors revokes or suspends an engineer's license, the engineer's appointment as an appointed qualified inspector is automatically canceled.

(g) Reasonable penalty. If TDI finds that a person acting as an appointed qualified inspector under Insurance Code §2210.254 has failed to provide complete and accurate information regarding an inspection for a certificate of compliance under Insurance Code §2210.2515, concerning Issuance of Certificates of Compliance, then TDI may impose a reasonable penalty on the inspector, including prohibiting the inspector from applying for certificates of compliance under Insurance Code §2210.2515.

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 November 10, 2025.

TRD-202504072

Jessica Barta

General Counsel

Texas Department of Insurance

Earliest possible date of adoption: December 21, 2025

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



TITLE 34. PUBLIC FINANCE

PART 1. COMPTROLLER OF PUBLIC ACCOUNTS

CHAPTER 16. COMPTROLLER GRANT PROGRAMS

SUBCHAPTER B. TEXAS BROADBAND DEVELOPMENT OFFICE

DIVISION 1. BROADBAND DEVELOPMENT MAP

34 TAC §§16.21 - 16.24

The Comptroller of Public Accounts proposes amendments to §16.21, concerning broadband development map, §16.22, concerning map challenges; criteria, §16.23, concerning challenge process; deadlines, and §16.24, concerning challenge determinations.

The legislation enacted within the last four years that provides the statutory authority for these sections are Senate Bill 1238, 88th Legislature, R.S., 2023 and Senate Bill 1405, 89th Legislature, R.S., 2025.

The amendments to §16.21 remove the requirement for the office to create, update or publish a map if the office adopts a map produced by the Federal Communications Commission and include conforming changes.

The amendments to §16.22 provide that a challenge may occur only if the office does not adopt a map produced by the Federal Communications Commission and remove references to a challenge process if the office adopts a map produced by the Federal Communications Commission.

The amendments to §16.23 remove unnecessary deadlines related to the office adopting a map produced by the Federal Communications Commission and remove unnecessary notice procedures. The amendments maintain the challenge procedures

for a map the office creates for future use in the event the office chooses to create its own map.

The amendments to §16.24 modify the name of the section to more specifically reflect the outcome of the challenge process.

Brad Reynolds, Chief Revenue Estimator, has determined that during the first five years that the proposed amended rules are in effect, the rules: 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; 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.

Mr. Reynolds also has determined that the proposed amended rules would have no fiscal impact on the state government, units of local government, or individuals. The proposed amended rules would benefit the public by improving the clarity and implementation of the sections. There would be no anticipated economic cost to the public. The proposed amended rules would have no fiscal impact on small businesses or rural communities.

You may submit comments on the proposal or information related to the cost, benefit, or effect of the proposal, including any applicable data, research or analysis to Bryant Clayton, Director, Broadband Development Office P.O. Box 13528 Austin, Texas 78711 or to the email address: broadband@cpa.texas.gov. The comptroller must receive your comments or other information no later than 30 days from the date of publication of the proposal in the *Texas Register*.

The amendments are proposed under Government Code, §4901.0109, which permits the comptroller to adopt rules as necessary to implement Chapter 490I regarding the Texas Broadband Development Office.

The amendments implement Government Code, Chapter 490I.

§16.21. Broadband Development Map.

(a) The comptroller shall create, update annually, and publish on the comptroller's website a broadband development map depicting the availability of broadband service for each broadband serviceable location in this state. The office shall use the best available information, including information available from the Federal Communications Commission, political subdivisions, and broadband service providers, to create or update the map. The office is not required to create, update, or publish a map if the office adopts a map produced by the Federal Communications Commission that enables the office to identify unserved, underserved, and served locations.

[(b) Except as provided by subsection (e) of this section, for the purpose of developing the broadband development map, the scope of a designated area in this state shall consist of a county.]

[(c) If the comptroller determines that developing the broadband development map at the county level is not technically feasible or practical, the comptroller may develop the map using a smaller geographic unit for which information is available from the Federal Communications Commission.]

(b) [(d)] The comptroller shall, at a minimum, display for each designated area on the broadband development map:

(1) each unserved, underserved, and served broadband serviceable location;

(2) an indication of whether each broadband serviceable location is ineligible to receive funding on account of an existing federal commitment to deploy qualifying broadband service;

(3) the number of broadband service providers that serve the designated area;

(4) an indication of whether the designated area has access to internet service that is not broadband service, regardless of the technology used to provide the service;

(5) each public school campus with an indication of whether the public school campus has access to broadband service; and

(6) the number and percentage of unserved, underserved, and served broadband serviceable locations within the designated area.

§16.22. Map Challenges; Criteria.

(a) Subject to subsection (c) of this section and only if the comptroller does not adopt the map produced by the Federal Communications Commission as provided under Government Code, §4901.0105(q), a broadband service provider or a political subdivision of this state may challenge the designation of a broadband serviceable location located in this state and petition the office to reclassify the location on the broadband development map.

(b) A challenge submitted under this section must be submitted on forms and contain the information prescribed by the office. The office shall publish on its website the requirements and criteria for submitting a challenge under this section.

(c) A challenge seeking reclassification of a broadband serviceable location may only be made on the following basis:

(1) that reliable broadband service at the location is or is not available within 10 business days of a request for service;

(2) that the actual speed of the fastest available service tier at the location does or does not meet the broadband service speed thresholds as established by Government Code, §4901.0105(a);

(3) that the actual round-trip latency of broadband service at the location exceeds 100 milliseconds;

(4) that the availability of reliable broadband service at the location is subject to a data cap that results in actual speeds of the fastest available service tier falling below the broadband service speed thresholds as established by Government Code, §4901.0105(a); or

(5) that the location is or is not subject to an existing federal commitment to deploy qualifying broadband service to the location.

~~[(d) If the comptroller adopts a map produced by the Federal Communications Commission as provided under Government Code, §4901.0105(q), a challenge may only be submitted under this section if the person or entity submitting the challenge provides evidence that the person or entity previously submitted a successful challenge to the Federal Communications Commission for the broadband serviceable locations for which the entity is seeking a reclassification.]~~

§16.23. Challenge Process; Deadlines.

(a) A challenge under this subchapter must be submitted to the office not later than the 60th day after the broadband development map is published or updated on the comptroller's website. ~~[If the comptroller adopts a map produced by the Federal Communications Commission as provided under Government Code, §4901.0105(q), a challenge under this subchapter must be submitted not later than the 30th day after the entity seeking to challenge a location submitted a successful challenge to the Federal Communications Commission.]~~

(b) The office may reject a challenge without further action if the challenge is not submitted on forms prescribed by the office or does not otherwise comply with this division or any criteria established by the office as provided by this subchapter.

(c) The office shall provide notice of an accepted challenge to each affected political subdivision and broadband service provider by posting notice of the challenge on the comptroller's website. For the purposes of this section, an affected political subdivision or broadband service provider shall be deemed to have received notice on the date the notice is posted on the comptroller's website.

(d) Not later than the 45th day after the date that the office posts the notice required under subsection (c) of this section, an impacted political subdivision or a broadband service provider may provide information to the office showing whether the broadband serviceable locations that have been challenged should or should not be reclassified.

(e) Not later than the 75th day after the date that the office posts the notice required under subsection (c) of this section, the office shall determine whether to reclassify the challenged broadband serviceable locations and shall update the map as necessary.

~~[(f) In addition to the notice required under subsection (e) of this section, the office shall send written notice of the challenges that have been received under this subchapter to each political subdivision and broadband service provider that subscribes to an email distribution list managed by the office for the purpose of receiving notices from the office. Notwithstanding this subsection, the date the notice is received shall be deemed to be the date a notice issued under subsection (e) of this section is posted on the comptroller's website.]~~

§16.24. Reclassification [Challenge] Determinations.

(a) The office shall consider the following in making a determination of whether to reclassify a broadband serviceable location:

(1) the availability of reliable broadband service;

(2) an evaluation of actual Internet speed test and reliability data;

(3) the existence or non-existence of an existing federal commitment to deploy qualifying broadband service to a location; and

(4) any other information the office determines may be useful in determining whether a location should be reclassified.

(b) A broadband serviceable location that is classified as a served location solely because the location is subject to an existing federal commitment to deploy qualifying broadband service may be reclassified if:

(1) federal funding is forfeited or the recipient of the funding is disqualified from receiving the funding; and

(2) the location is otherwise eligible to receive funding under the program.

(c) A determination made by the office under this subsection is not a contested case for purposes of Government Code, Chapter 2001.

(d) If within one year after making an award the office determines that at the time of making the award a broadband serviceable location was not eligible to receive funding under this subchapter, the office may proportionately reduce the amount of the award and the grant recipient shall be required to return any grant funds that were awarded as a result of the classification error. Prior to making a decision to reduce the amount of the award, the office shall provide an opportunity to the award recipient to demonstrate cause for why the award should not be reduced. The office shall reduce the amount required to be returned

under this subsection if the office determines, in its sole discretion, that the grant funds or any portion thereof were expended in good faith.

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 November 5, 2025.

TRD-202504004

Victoria North

General Counsel for Fiscal and Agency Affairs

Comptroller of Public Accounts

Earliest possible date of adoption: December 21, 2025

For further information, please call: (512) 475-2220



DIVISION 2. BROADBAND DEVELOPMENT PROGRAM

34 TAC §§16.30, 16.31, 16.35 - 16.38, 16.40 - 16.42, 16.46

The Comptroller of Public Accounts proposes amendments to §16.30, concerning definitions, §16.31, concerning notice of funds availability, §16.35, concerning program eligibility requirements, §16.36, concerning application process generally, §16.40, concerning evaluation criteria, §16.41, concerning application protest process, §16.42, concerning awards; grant agreement, and §16.46, concerning forms; notices. The Comptroller of Public Accounts also proposes new §16.37, concerning direct contract and grant awards, and new §16.38, concerning fixed amount awards. The new sections replace §16.37, concerning overlapping applications or project areas, and §16.38, concerning overlapping project areas in noncommercial applications, which the comptroller will repeal in a separate rulemaking.

Legislation enacted within the last four years providing statutory authority for these sections are Senate Bill 1238, 88th Legislature, R.S., 2023 and Senate Bill 1405, 89th Legislature, R.S., 2025.

The amendments to §16.30 remove the "application protest period" and "designated area" definitions, add the "gigabit-level broadband service" definition, and add the "interested party" definition, which was previously in §16.41. The amendments modify the "served location" definition for brevity. The amendments to the "unserved location" definition provide speed requirements for public schools and community anchor institutions.

The amendments reword §16.31 for brevity and modify the publication process. The amendments remove the requirement for a notice of funds availability to state the minimum and maximum amounts of grant funds available for each application. The amendments clarify that eligibility criteria will be in each notice of funds availability.

The amendments to §16.35 change the title to "Competitive Grant Limitations." The amendments remove eligibility criteria details as unnecessary because §16.31 requires a notice of funds availability to include eligibility criteria. The amendments modify non-commercial provider limitations to competitive grants for the deployment of last-mile broadband service projects in subsection (b).

The amendments to §16.36 add "competitive grant" in the title and in subsection (b) to specify that this section applies to com-

petitive grants. The amendments change "protest" to "publishing" to describe the 30-day period in subsection (d). The amendments describe notification after the challenge process and requests for additional information in subsections (f) and (g) respectively. The amendments remove certain provisions related to the challenge process for placement in §16.30 and §16.41.

New §16.37 describes the office's ability to award direct contract or grant awards on a non-competitive basis to a political subdivision in subsection (a). The section permits the office to award a direct contract or grant award with a grant agreement and to require information be submitted electronically in subsection (b).

New §16.38 describes fixed amount awards in subsection (a). The section permits the office to award a fixed amount award for competitive and direct grants without regard to the Texas Acquisition Threshold as defined in the Texas Grant Management Standards in subsection (b).

The amendments to §16.40 remove the reference to Government Code, §4901.0105 in subsection (a)(4) as required by Senate Bill 1405, 89th Legislature, R.S., 2025.

The amendments to §16.41 change the title of the section to "Application Challenge Process" to reflect the more commonly used term and make conforming changes throughout the section. The amendments in subsection (a) provide that only applications related to last-mile broadband infrastructure projects are subject to the challenge process and only the location may be challenged. The amendments describe under what circumstances a successfully challenged application may be amended and resubmitted in subsections (d) and (g). The amendments add subsections (g), (h) and (i) that are transferred from §16.36(f), (g) and (i) respectively, and make a conforming change to subsection (i).

The amendment to §16.42 adds the statutory requirement for last-mile infrastructure grant recipients to make reasonable efforts to restore private property affected by a broadband infrastructure project in subsection (d).

The amendments to §16.46 allow notice by certified mail and make conforming changes in subsections (c) and (d). The amendments remove subsection (e) relating to §16.34 that was previously repealed.

Brad Reynolds, Chief Revenue Estimator, has determined that during the first five years that the proposed amended rules and the proposed new rules are in effect, the rules: 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; 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.

Mr. Reynolds also has determined that the proposed amended rules and the proposed new rules would have no fiscal impact on the state government, units of local government, or individuals. The proposed amended rules would benefit the public by improving the clarity and implementation of the sections. The proposed amended rules would update and streamline broadband development program administration. The proposed new rules would benefit the public by providing greater flexibility in broadband project funding and facilitating broadband deployment in eligible areas. There would be no significant economic cost to the pub-

lic. The proposed amended rules and proposed new rules would have no fiscal impact on small businesses or rural communities.

You may submit comments on the proposal or information related to the cost, benefit, or effect of the proposal, including any applicable data, research or analysis, to Bryant Clayton, Director, Broadband Development Office, P.O. Box 13528 Austin, Texas 78711 or to the email address: broadband@cpa.texas.gov. The comptroller must receive your comments or other information no later than 30 days from the date of publication of the proposal in the *Texas Register*.

The amendments are proposed under Government Code, §4901.0109, which permits the comptroller to adopt rules as necessary to implement Chapter 490I regarding the Texas Broadband Development Office.

The amendments implement Government Code, Chapter 490I.

§16.30. Definitions.

As used in this subchapter and in these rules, the following words and terms shall have the following meanings, unless the context clearly indicates otherwise:

(1) Applicant--A person that has submitted an application for an award under this subchapter.

~~[(2) Application protest period--A period of at least thirty days beginning on the first day after an application is posted under §16.36(d) of this subchapter.]~~

(2) ~~[(3)]~~ Broadband development map--The map adopted or created under Government Code, §490I.0105.

(3) ~~[(4)]~~ Broadband service--Internet service that delivers transmission speeds capable of providing:

(A) a download speed of not less than 100 Mbps; or

(B) an upload speed of not less than 20 Mbps; and

(C) network round-trip latency of less than or equal to 100 milliseconds based on the 95th percentile of speed measurements.

(4) ~~[(5)]~~ Broadband serviceable location--A business or residential location in this state at which broadband service is, or can be, installed, including a community anchor institution.

(5) ~~[(6)]~~ Census block--The smallest geographic area for which the U.S. Bureau of the Census collects and tabulates decennial census data as shown on the most recent on Census Bureau maps.

(6) ~~[(7)]~~ Commercial broadband service provider--A broadband service provider engaged in business intended for profit, a telephone cooperative, an electric cooperative, or an electric utility that offers broadband service or middle-mile broadband service for a fare, fee, rate, charge, or other consideration.

(7) ~~[(8)]~~ Community anchor institution--An entity such as a school, library, health clinic, health center, hospital or other medical provider, public safety entity, institution of higher education, public housing organization, or community support organization that facilitates greater use of broadband service by vulnerable populations, including, but not limited to, low-income individuals, unemployed individuals, children, the incarcerated, and aged individuals.

(8) Gigabit-level broadband service--Internet service that delivers transmission speeds capable of providing:

(A) a download speed of not less than 1000 Mbps; or

(B) an upload speed of not less than 20 Mbps; and

(C) network round-trip latency of less than or equal to 100 milliseconds based on the 95th percentile of speed measurements.

~~[(9) Designated area--A census block or other area as determined under §16.21 of this subchapter.]~~

(9) ~~[(40)]~~ Grant funds--Grants, low-interest loans, and other financial incentives awarded to applicants under this subchapter for the purpose of expanding access to and adoption of broadband service.

(10) ~~[(44)]~~ Grant recipient--An applicant who has been awarded grant funds under this subchapter.

(11) Interested party--A person, including an individual, corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, or any other legal entity, that resides, is located, or conducts business in the project area subject to challenge. The term includes a broadband service provider that is not located in the project area but who proposes to provide broadband service in the project area.

(12) Mbps--Megabits per second.

(13) Middle mile infrastructure--Any broadband infrastructure that does not connect directly to an end-user location, including a community anchor institution. The term includes:

(A) leased dark fiber, interoffice transport, backhaul, carrier-neutral internet exchange facilities, carrier-neutral submarine cable landing stations, undersea cables, transport connectivity to data centers, special access transport, and other similar services; and

(B) wired or private wireless broadband infrastructure, including microwave capacity, radio tower access, and other services or infrastructure for a private wireless broadband network, such as towers, fiber, and microwave links.

(C) The term does not include provision of Internet service to end-use customers on a retail basis.

(14) Non-commercial broadband service provider--A broadband service provider that is not a commercial broadband service provider.

(15) Office--The Broadband Development Office created under Government Code, §490I.0102.

(16) Project area--The area, consisting of one or more broadband serviceable locations, identified by an applicant in which the applicant proposes to deploy broadband service or middle mile infrastructure.

(17) Public school--A school that offers a course of instruction for students in one or more grades from prekindergarten through grade 12 and is operated by a governmental entity.

(18) Qualifying broadband service--Broadband service that meets the minimum speed, latency and reliability thresholds prescribed by the office in each applicable notice of funds availability.

(19) Reliable broadband service--Broadband service that is accessible to a location via:

(A) fiber-optic technology;

(B) Cable Modem/ Hybrid fiber-coaxial technology;

(C) digital subscriber line (DSL) technology; or

(D) terrestrial fixed wireless technology utilizing entirely licensed spectrum or using a hybrid of licensed and unlicensed spectrum.

(20) Served location--A broadband serviceable location that is neither an unserved nor an underserved location [has access to reliable broadband service that exceeds the minimum threshold for an underserved location or a location that is subject to an existing federal commitment to deploy qualifying broadband service].

(21) Underserved location--A broadband serviceable location that has access to reliable broadband service but does not have access to reliable broadband service with the capability of providing:

(A) a download speed of not less than 100 Mbps;

(B) an upload speed of not less than 20 Mbps; and

(C) a network round-trip latency of less than or equal to 100 milliseconds based on the 95th percentile of speed measurements as established under Government Code, §490I.0101.

(22) Unserved location--A broadband serviceable location that:

(A) does not have access to reliable broadband service; or

(B) is a public school or community anchor institution and does not have access to reliable broadband service that is gigabit-level broadband service.

§16.31. Notice of Funds Availability.

(a) The office shall [use one or more methods as necessary to] provide notice of the availability of funds for competitive grant awards and may publish the notice on [, including publication in] the [Texas Register or] Electronic State Business Daily website or[. The comptroller may make available a copy of the notice of funds availability on] the comptroller's website. [For the purposes of these rules, the date the notice of funds availability is issued is the earlier of the first day the notice is published in the Texas Register or on the Electronic State Business Daily website.]

(b) The notice of funds availability published under subsection (a) of this section shall include:

(1) the total amount of grant funds available for award;

[(2) the minimum and maximum amount of grant funds available for each application;]

(2) [(3)] eligibility criteria [requirements];

(3) [(4)] application requirements;

(4) [(5)] award and evaluation criteria; and

(5) [(6)] the date by which applications must be submitted to the office;

(c) The notice may include:

(1) limitations on the geographic distribution of grant funds;

(2) the anticipated date of award; and

(3) any other information the office determines is necessary for award.

§16.35. Competitive Grant Limitations [Program Eligibility Requirements].

[(a) Eligible participants of the program include:]

[(1) political subdivisions of this state;]

[(2) commercial broadband service providers;]

[(3) non-commercial broadband service providers; and]

[(4) partnerships between political subdivisions of this state, commercial broadband service providers, noncommercial broadband service providers, or any combination thereof.]

(a) [(b)] The office may not award grant funds for deployment of last-mile broadband service for a broadband serviceable location to a non-commercial broadband service provider [an otherwise eligible participant under subsection (a)(3) of this section] if a commercial broadband service provider has submitted an eligible application for the same location.

(b) [(e)] For the purposes of this subchapter, a joint application submitted by any combination of a political subdivision, commercial broadband service provider, or a non-commercial broadband service provider that includes at least one commercial broadband service provider shall be deemed to be an application submitted by a commercial broadband service provider.

§16.36. Competitive Grant Application Process Generally.

(a) No award for competitive grant funding will be disbursed by the office except pursuant to an application submitted in accordance with this subchapter.

(b) An application for competitive grant funding under this subchapter shall be submitted on the forms and in the manner prescribed by the office. The office may require that applications be submitted electronically.

(c) Prior to publication of application information pursuant to Government Code, §490I.0106(e), the office may undertake an examination to determine whether the application appears on its face to comply with applicable program requirements. The office may reject and take no further action on an application that does not appear to comply with applicable program requirements on its face.

(d) The office shall for a period of at least 30 days publish on its website information from each accepted application, including the applicant's name, the project area targeted for expanded broadband service access or adoption by the application, and any other information the office considers relevant or necessary. The information will remain on the website for a period of at least 30 days before the office makes a decision on the application.

(e) During the 30-day application publishing [protest] period described by subsection (d) of this section [for an application], the office shall accept from any interested party a written protest of the application relating to whether the applicant or project is eligible for an award or should not receive an award based on the criteria prescribed by the office. A protest of an application must be submitted as provided under §16.41 of this subchapter.

(f) After the publishing period in subsection (d) of this section and any challenge process under §16.41 of this subchapter, the office will notify grant recipient(s). [Notwithstanding any deadline for submitting an application, if the office upholds a protest on the grounds that one or more of the broadband serviceable locations in a project area is not eligible to receive funding, the applicant may resubmit an amended application as provided under §16.41 of this subchapter without the challenged broadband serviceable locations not later than 30 days after the date that the office upheld the protest. An amended application may not include additional areas or broadband serviceable locations not already included in the original application.]

(g) During the application review process, the office may require an applicant to submit additional information the office determines is necessary to make an award decision. [If the office upholds a protest and the applicant resubmits an application in accordance with subsection (f) of this section, the resubmitted application is not subject to further protest.]

[(h) For the purposes of this section "interested party" means a person, including an individual, corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, or any other legal entity, that resides, is located, or conducts business in the project area subject to protest and also includes a broadband service provider that is not located in the project area but who proposes to provide broadband service in the project area.]

[(i) Notwithstanding subsection (e) of this section, a broadband service provider who has not provided information requested by the office under Government Code, §4901.0105 or §4901.01061, may not submit a protest of an application made under this subchapter.]

§16.37. Direct Contract or Grant Awards.

(a) The office may make a direct contract or grant award on a non-competitive basis to a political subdivision of this state.

(b) No award for direct funding will be disbursed by the office except pursuant to a contract or grant agreement executed in accordance with this subchapter. The office may require that information regarding the award be submitted electronically.

§16.38. Fixed Amount Awards.

(a) For the purposes of this subchapter, a fixed amount award is a type of grant agreement pursuant to which the office provides a specific amount of funding without regard to actual costs incurred under the award.

(b) Pursuant to Government Code, § 783.007(b) allowing for variances from the uniform assurances and standard financial conditions, the office may determine the amount per award and provide a fixed amount award for competitive and direct grants without regard to the Texas Acquisition Threshold as defined in the Texas Grant Management Standards. All other uniform assurances and standard financial conditions developed pursuant to Government Code, § 783.006 remain applicable to local governments receiving financial assistance from the office.

§16.40. Evaluation Criteria.

(a) The office shall establish the eligibility and award criteria applicable for each round of competitive grant funding by publishing the criteria in a notice of funds availability as provided by §16.31 of this subchapter. In establishing eligibility and award criteria, the office shall:

(1) prioritize applications that expand access to and adoption of broadband service in designated areas in which the highest percentage of broadband serviceable locations are unserved or underserved locations;

(2) prioritize applications that expand access to broadband service in public and private primary and secondary schools and institutions of higher education;

(3) prioritize applications that connect end-user locations with end-to-end fiber optic facilities that meet speed, latency, reliability, consistency, scalability, and related criteria as the office shall determine;

(4) give preference to applicants that provide the information requested by the office under Government Code, [§4901.0105 and] §4901.01061; and

(5) take into consideration whether an applicant has forfeited federal funding for defaulting on a project to deploy qualifying broadband service.

(b) In addition to the evaluation criteria provided under subsection (a) of this section, the office may include and provide prefer-

ences for the following evaluation criteria in the notice of funds availability:

(1) application participant(s) experience;

(2) technical specifications including broadband transmission speeds (Mbps upload and download) that will be deployed as a result of the project;

(3) estimated project completion date;

(4) the availability of matching funds including amount, percentage, and source of matching funds;

(5) cost effectiveness and overall impact as measured by the total project cost, the total number of prospective broadband service locations to be served by the project, the proportion of unserved and underserved locations to be served by the project compared to the number of serviceable locations within the designated area(s) the project is located, the proportion of recipients to be served by the project compared to the population of the designated area(s) in which the project is located, and the project cost per prospective broadband service recipient;

(6) geographic location including, but not limited to, rural areas where because of population density the cost of broadband expansion is characterized by disproportionately high capital and operational costs;

(7) community, non-profit, or cooperative support or participation in the project;

(8) affordability of broadband services in the areas in which the proposed project is located prior to the deployment of broadband services as a result of the project;

(9) consumer price of broadband services that applicant proposes to deploy as a result of the project;

(10) participation in federal programs that provide low-income consumers with subsidies for broadband services;

(11) small business and historically underutilized business involvement or subcontracting participation; and

(12) any additional factors the office may determine are necessary to further the expansion and adoption of broadband service.

(c) Notwithstanding subsection (a)(3) of this section, the office may consider an application for a broadband infrastructure project that does not employ end-to-end fiber optic facilities if the use of an alternative technology:

(1) is proposed for a high-cost area;

(2) may be deployed at a lower cost than deploying fiber optic technology; or

(3) meets the speed, latency, reliability, consistency, scalability, and related criteria as the office shall determine for each applicable notice of funds availability.

§16.41. Application Challenge [Protest] Process.

(a) The office shall publish on the office's website criteria and requirements for submitting a challenge under this section for applications related to last-mile broadband infrastructure projects. An interested party may only challenge an application on the basis that the application includes broadband serviceable locations that are ineligible for an award. The inclusion of a location in a project may only be challenged if [An application protest may only be made on the following basis]:

(1) the number of served locations included in a proposed project exceeds twenty percent of the total number of locations to which

service would be deployed by the project; or [applicant is ineligible to receive an award;]

(2) the broadband serviceable location is subject to an existing federal commitment to deploy qualifying broadband service to the location. [application contains broadband serviceable locations that are not eligible to receive funding because of an existing federal commitment to deploy qualifying broadband service to the location; or]

~~[(3) the project is ineligible to receive or should not receive an award based on the criteria prescribed by the office as provided by §16.40(a) of this subchapter.]~~

(b) A challenge ~~[protest]~~ submitted under this section shall be submitted electronically in the manner and on the forms prescribed by the office and shall be accompanied by all relevant supporting documentation. The interested ~~[protesting]~~ party submitting the challenge bears the burden to establish that a location [an applicant or project should not receive or] is ineligible for an award [based on the criteria prescribed by the office].

(c) The office shall review the protest and make a determination as to whether the protest should be upheld. The office shall provide notice of its determination to each affected applicant, including the right, if any, to submit an amended application under subsection (d) of this section.

(d) If the office upholds a challenge ~~[protest]~~ on the basis ~~[that one or more broadband serviceable locations are not eligible to receive funding under the criteria]~~ prescribed by the office, an applicant may amend and resubmit an application without the challenged locations and re-scope the application or project area if, after the protest is upheld:

(1) the remaining number of broadband serviceable locations in the project area is greater than 50% of the original number of locations in the project area; or

(2) ~~[the remaining number of broadband serviceable locations in the project area is less than 50% of the original number of locations in the project area and]~~ the office permits, at its sole discretion, the applicant to amend the application.

(e) If an amended application without the challenged locations is not received by the office by the 30th day after receiving notice of the determination under subsection (c) of this section, the office may remove the application from grant funding consideration.

(f) A determination made by the office under this section is not a contested case for purposes of Government Code, Chapter 2001.

(g) Notwithstanding any deadline for submitting an application, if the office upholds a challenge, the applicant may resubmit an amended application as provided under this subchapter without the challenged broadband serviceable locations not later than 30 days after the date that the office upheld the protest. An amended application may not include additional areas or broadband serviceable locations not already included in the original application.

(h) If the office upholds a challenge and the applicant resubmits an application in accordance with subsection (g) of this section, the resubmitted application is not subject to further challenges.

(i) Notwithstanding section §16.36(e) of this subchapter, a broadband service provider who has not provided information requested by the office under Government Code, §4901.01061, may not submit a challenge of an application made under this subchapter.

§16.42. Awards; Grant Agreement.

(a) All award decisions shall be made at the sole discretion of the office and are not appealable or subject to protest.

(b) Grants for the deployment of broadband infrastructure awarded under this subchapter may only be used for capital expenses, purchase or lease of property, and other expenses, including backhaul and transport, that will facilitate the provision or adoption of broadband service.

(c) A grant recipient shall have 30 days from the date of award to negotiate and sign the grant agreement. The comptroller may extend the deadline to fully execute the grant agreement upon a showing of good cause by the grant recipient(s). If the grant agreement is not signed by the grant recipient and received by the office by the later of the 30th day after the award of the grant agreement or the extended deadline date, the office may rescind the award.

(d) For last-mile infrastructure projects, the grant recipient must make a reasonable effort to restore the private property affected by the project to the condition the property was in before the beginning of the project.

§16.46. Forms; Notices.

(a) Unless otherwise required by law, the office may prescribe all forms or other documents required to implement this subchapter and may require that the forms or other documents be submitted electronically.

(b) Any notice required by these rules to be sent by the office may be provided electronically and the office is entitled to rely on an email address provided by an applicant, grant recipient or other person, including a political subdivision or broadband service provider, for all purposes relating to notification. Applicants and grant recipients must provide an email address that is designated for receipt of notices from the office.

(c) If notice cannot be sent electronically, the office shall provide notice by regular or certified U.S. Mail and the office is entitled to rely on the mailing address currently on file for all purposes relating to notification.

(d) Service of notice by the office is complete and receipt is presumed on:

(1) the date the notice is sent, if sent before 5:00 p.m. by electronic mail;

(2) the date after the notice is sent, if sent after 5:00 p.m. by electronic mail; or

(3) three business days after the date it is placed in the mail, if sent by regular or certified U.S. Mail.

~~[(e) When multiple recipients receive notice under §16.34(a) of this subchapter resulting in more than one date of service as determined under subsection (d) of this section, the date that a broadband provider receives notice for the purpose of §16.34 of this subchapter is the latest service date for that notice.]~~

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 November 5, 2025.

TRD-202504005

Victoria North

General Counsel for Fiscal and Agency Affairs

Comptroller of Public Accounts

Earliest possible date of adoption: December 21, 2025

For further information, please call: (512) 475-2220

◆ ◆ ◆

34 TAC §§16.37 - 16.39

The Comptroller of Public Accounts proposes to repeal §16.37, concerning overlapping applications or project areas, §16.38, concerning special rule for overlapping project areas in non-commercial applications, and §16.39, concerning application requirements.

The legislation enacted within the last four years that provides the statutory authority for these sections are Senate Bill 1238, 88th Legislature, R.S., 2023 and Senate Bill 1405, 89th Legislature, R.S., 2025.

The comptroller proposes to repeal §§16.37 - 16.39 since they are no longer needed as information related to application requirements will be in each respective notice of funds availability.

Brad Reynolds, Chief Revenue Estimator, has determined that during the first five years that the proposed repeal is in effect, the 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 the agency; will not require an increase or decrease in fees paid to the agency; 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.

Mr. Reynolds also has determined that the proposed repeal of the rules would have no fiscal impact on the state government, units of local government, or individuals. The proposed repeal of the rules coupled with the planned inclusion of information related to application requirements in each respective notification of funds availability, would benefit the public by eliminating unnecessary rules. There would be no anticipated economic cost to the public. The proposed repeal of the rules would have no fiscal impact on small businesses or rural communities.

You may submit comments on the proposal to Bryant Clayton, Director, Broadband Development Office, at broadband@cpa.texas.gov or at P.O. Box 13528, Austin, Texas 78711-3528. Any person required to comply with this proposal, or any other interested person, may submit information related to the cost, benefit, or effect of the proposal, including any applicable data, research, or analysis to the same mailing or email address. The comptroller must receive your comments or other information no later than 30 days from the date of publication of the proposal in the *Texas Register*.

The repeal is proposed under Government Code, §4901.0109, which permits the comptroller to adopt rules as necessary to implement Chapter 490I regarding the Texas Broadband Development Office.

The repeal implements Government Code, Chapter 490I.

§16.37. Overlapping Applications or Project Areas.

§16.38. Special Rule for Overlapping Project Areas in Noncommercial Applications.

§16.39. Application Requirements.

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 November 5, 2025.

TRD-202504003

Victoria North

General Counsel for Fiscal and Agency Affairs

Comptroller of Public Accounts

Earliest possible date of adoption: December 21, 2025

For further information, please call: (512) 475-2220

◆ ◆ ◆

SUBCHAPTER F. RURAL AMBULANCE SERVICE GRANT PROGRAM

34 TAC §§16.500 - 16.506

The Comptroller of Public Accounts proposes new §16.500, concerning definitions; §16.501, concerning applications; §16.502, concerning comptroller review; §16.503, concerning grant agreement; §16.504, concerning authorized uses of grant funds; §16.505, concerning reporting and compliance; and §16.506, concerning fiscal year 2026 application period. These new sections will be located in 34 Texas Administrative Code, Chapter 16, new Subchapter F, Rural Ambulance Service Grant Program.

The legislation enacted in the last four years that provides statutory authority is House Bill 3000, 89th Legislature, R.S., 2025. House Bill 3000 establishes a new grant program to provide certain rural counties financial assistance to purchase ground ambulances.

Section 16.500 provides definitions.

Section 16.501 describes the application process.

Section 16.502 describes comptroller review.

Section 16.503 describes the requirements for grant agreements.

Section 16.504 describes the authorized uses of grant funds and limitations on uses of grant funds.

Section 16.505 describes reporting requirements and available remedies for noncompliance.

Section 16.506 describes the Fiscal Year 2026 application period.

Brad Reynolds, Chief Revenue Estimator, has determined that during the first five years that the proposed new rules are in effect, the rules: 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; 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.

Mr. Reynolds also has determined that the proposed new rules would have no significant fiscal impact on the state government, units of local government, or individuals. The proposed new rules would benefit the public by disseminating and clarifying the requirements and application process of the Rural Ambulance Service Grant Program. There would be no significant anticipated economic cost to the public. The proposed new rules would have no fiscal impact on small businesses or rural communities.

You may submit comments on the proposal or information related to the cost, benefit, or effect of the proposal, including

any applicable data, research or analysis, to Russell Gallahan, Manager, Local Government & Transparency, P.O. Box 13528 Austin, Texas 78711 or to the email address: ambulance.grants@cpa.texas.gov. The comptroller must receive your comments or other information no later than 30 days from the date of publication of the proposal in the *Texas Register*.

The new sections are proposed under Local Government Code, §130.914, which requires the comptroller to adopt rules to implement a new grant program to provide financial assistance to certain rural counties for ambulance service.

The new sections implement Local Government Code, §130.914.

§16.500. Definitions.

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

(1) Accessories--Equipment required for emergency medical service vehicles to provide treatment and transportation of adult, pediatric and neonatal patients as described in 25 TAC Chapter 157, Subchapter B, Emergency Medical Services Provider Licenses.

(2) Ambulance--A vehicle registered with the Texas Department of State Health Services as an emergency medical service vehicle excluding watercraft and air ambulances.

(3) Applicant--A qualified county that applies for a grant under Local Government Code, §130.914.

(4) Fiscal year--The twelve consecutive calendar months during which an applicant tracks its finances for budget and accounting purposes.

(5) Grant--A rural ambulance service grant awarded under Local Government Code, §130.914 and this subchapter.

(6) Grant agreement--An agreement between the comptroller and a grant recipient that governs the terms of a grant.

(7) Grant program--The rural ambulance service grant program established by Local Government Code, §130.914.

(8) Grant recipient--A qualified county that receives a grant under this subchapter.

(9) Per capita income--The per capita income based on the U.S. Bureau of Economic Analysis data for the year that correlates with the most recent federal census data.

(10) Per capita taxable property value--The per capita taxable property value based on the Texas Comptroller of Public Accounts data for the year that correlates with the most recent federal census data.

(11) Population--The population shown by the most recent federal decennial census.

(12) Qualified county--A county with a population of 68,750 or less.

(13) Qualified rural ambulance service provider--A private safety entity or public agency as those terms are defined by Health and Safety Code, §772.001, licensed by the Texas Department of State Health Services to provide emergency medical services and operating in a qualified county.

(14) Unemployment rate--The unemployment rate based on the Texas Workforce Commission data for the year that correlates with the most recent federal census data.

§16.501. Applications.

(a) Applicants must:

(1) apply using the comptroller's prescribed electronic form;

(2) provide information that the comptroller determines necessary to make an award decision; and

(3) certify compliance with the requirements of Local Government Code, §130.914 and this subchapter.

(b) The application period begins on the 60th day before the first day of the applicant's fiscal year and ends on the 30th day of the applicant's fiscal year.

(c) The county judge of the applicant must:

(1) electronically sign the application; and

(2) certify that all information in the application is true and correct.

(d) The applicant may propose, in order of preference, more than one qualified rural ambulance service provider that provides ground ambulance services to the qualified county.

(e) For each proposed qualified rural ambulance service provider that is a private entity, the applicant must submit with its application a written agreement between the qualified county and private entity requiring ground ambulance services be provided within the jurisdiction of the qualified county. The agreement must be in effect at the time of the application.

§16.502. Comptroller Review.

(a) The comptroller must review the application for completeness. The comptroller may require the applicant to submit additional information. The applicant must submit the required information within 14 calendar days of the request.

(b) The comptroller may reject an application without further consideration if:

(1) the application is incomplete or does not comply with this subchapter;

(2) the applicant fails to submit any additional information required under subsection (a) of this section within 14 calendar days of the request; or

(3) the application does not comply with this subchapter.

(c) The comptroller must evaluate the applicant's ability to otherwise obtain the money necessary to provide adequate ground ambulance services by using the following formula:

(1) the sum of the following:

(A) the Statewide Unemployment Rate, divided by the Qualified County Unemployment Rate, divided by 100;

(B) the Qualified County Per Capital Taxable Value, divided by the State Per Capital Taxable Value, divided by 100; and

(C) the Qualified County Per Capita Personal Income, divided by the State Per Capita Income, divided by 100;

(2) divided by 3.

(d) If the applicant submits more than one qualified rural ambulance service provider in its application, the comptroller will, upon any award, approve a single qualified rural ambulance service provider from the application.

(e) When making award decisions, the comptroller must consider:

(1) whether an applicant received a grant under this grant program in previous years;

(2) the applicant's ability to otherwise obtain the money necessary to provide adequate ground ambulance services as calculated under subsection (c) with priority given to lower scoring applications;

(3) whether all rural ambulance service providers identified in the application will receive other grant funds under this grant program during the same fiscal year; and

(4) the applicant's demonstrated compliance with other applicable laws or other state grant programs.

(f) Award and funding decisions are in the comptroller's sole discretion and are not appealable or subject to protest.

§16.503. Grant Agreement.

(a) Funding is contingent on legislative appropriations and may result in the inability to execute a grant agreement.

(b) The comptroller must notify the grant recipient of the award decision and provide a grant agreement to the applicant for signature within 30 days of that notification.

(c) A grant agreement must require the comptroller to disburse funds as soon as practicable and must require funds to be expended during the grant period.

(d) An official of the grant recipient who is authorized to bind the grant recipient must electronically sign the grant agreement.

§16.504. Authorized Uses of Grant Funds.

(a) For grants awarded under Local Government Code, §130.914 and under this subchapter, grants may only be used for the state purpose of ensuring adequate ground ambulance services.

(b) The grant may only be used to purchase:

(1) additional ambulances, including necessary accessories and modifications;

(2) necessary accessories and modification to refurbish ambulances that the qualified county or its qualified rural ambulance service providers currently possesses; and

(3) necessary registration fees.

(c) Pre-award expenses are not allowable under a grant awarded under Local Government Code, §130.914 and this subchapter.

(d) Once grant funds are received, a grant recipient may not reduce funding to their qualified rural ambulance service provider for the following fiscal year.

§16.505. Reporting and Compliance.

(a) A grant recipient must submit an annual compliance report certifying compliance and detailing expenditures using the comptroller's electronic form. The grant recipient must provide evidence of continued ground ambulance services in its compliance report, including any changes to their qualified rural ambulance service provider.

(b) The comptroller may require supporting documentation regarding expenditures and any other information required to substantiate that grant funds are being used for the intended purpose and that the grant recipient complied with the grant agreement and this subchapter. The grant recipient must submit the documentation within 14 calendar days of the request. The authorized official is responsible for providing the required documentation.

(c) Grant recipients must comply with:

(1) the grant agreement terms and conditions;

(2) Local Government Code, §130.914 requirements; and

(3) all state or federal statutes, rules, regulations, or guidance applicable to the grant, including this subchapter.

(d) If the comptroller finds that a grant recipient failed to comply with any requirement described in subsection (c) of this section, the comptroller may:

(1) require the grant recipient to cure the failure to comply to the comptroller's satisfaction;

(2) require the grant recipient to return some or all of the grant;

(3) withhold funds from the current grant or future grants awarded to the recipient until the deficiency is corrected;

(4) disallow all or part of the cost of the purchase that does not comply;

(5) terminate the grant agreement in whole or in part;

(6) bar the grant recipient from future consideration for grants under this subchapter; or

(7) exercise any other legal remedies available at law.

(e) An official of the grant recipient who is authorized to bind the grant recipient must electronically sign the compliance report and must certify that all information in the compliance report is true and correct.

§16.506. Fiscal Year 2026 Application Period.

Notwithstanding anything to the contrary in this subchapter, the Fiscal Year 2026 application period for all applicants is the thirty-day period beginning on the later of January 1, 2026 or the date the application is first made available.

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 November 5, 2025.

TRD-202504006

Victoria North

General Counsel for Fiscal and Agency Affairs

Comptroller of Public Accounts

Earliest possible date of adoption: December 21, 2025

For further information, please call: (512) 475-2220



TITLE 37. PUBLIC SAFETY AND CORRECTIONS

PART 13. TEXAS COMMISSION ON FIRE PROTECTION

CHAPTER 401. ADMINISTRATIVE PRACTICE AND PROCEDURE

The Texas Commission on Fire Protection (Commission) proposes amendments to 37 Texas Administrative Code, Chapter 401, Administrative Practice and Procedure, §§401.1, 401.3, §401.7, 401.9, 401.11, 401.13, 401.19, 401.21, 401.23, 401.31, 401.41, 401.53, 401.57, 401.59, 401.61, 401.63, 401.67, 401.105, 401.111, 401.113, 401.115, 401.117, 401.119,

401.121, 401.127, 401.129, and 401.131, and the repeal of §401.17.

Background and Purpose

The proposed amendments clarify internal references, correct grammatical inconsistencies, and update terminology for clarity and consistency throughout Chapter 401. Specifically, the amendments standardize capitalization of "Commission," modernize section titles, and remove obsolete or redundant cross-references.

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 amendments 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 amendments are in effect, the anticipated public benefit will be clearer and more consistent rule language. 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 amendments 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 amendments; 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 amendments 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 amendments 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 amendments 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 amendments do not require an environmental impact analysis because the amendments are not major environmental rules under Texas Government Code § 2001.0225.

Request for Public Comment

Comments on the proposed amendments 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

SUBCHAPTER A. GENERAL PROVISIONS AND DEFINITIONS

37 TAC §§401.1, 401.3, 401.7, 401.9, 401.11, 401.13

The Texas Commission on Fire Protection proposes these rules under Texas Government Code, Chapter 419, which provides the Commission with the authority to adopt rules for the administration of its powers and duties.

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

§401.1. Purpose and Scope.

(a) Purpose. The purpose of this chapter is to provide a system of procedures for practice before the Commission [e~~ommission~~] that will promote the just and efficient disposition of proceedings and public participation in the decision-making process. The provisions of this chapter shall be given a fair and impartial construction to attain these objectives.

(b) Scope.

(1) This chapter shall govern the initiation, conduct, and determination of proceedings required or permitted by law in matters regulated by the Commission [e~~ommission~~], whether instituted by order of the Commission [e~~ommission~~] or by the filing of an application, complaint, petition, or any other pleading.

(2) This chapter shall not be construed so as to enlarge, diminish, modify, or otherwise alter the jurisdiction, powers, or authority of the Commission [e~~ommission~~], its staff, or the substantive rights of any person.

(3) This chapter shall not apply to matters related solely to the internal personnel rules and practices of this agency.

(4) To the extent that any provision of this chapter is in conflict with any statute or substantive rule of the Commission [e~~ommission~~], the statute or substantive rule shall control.

(5) In matters referred to the State Office of Administrative Hearings (SOAH), hearings or other proceedings are governed by 1 TAC Chapter 155 (relating to Rules of Procedures) adopted by SOAH.

To the extent that any provision of this chapter is in conflict with SOAH Rules of Procedures, the SOAH rules shall control.

§401.3. Definitions.

The following terms, when used in this chapter, shall have the following meanings, unless the context or specific language of a section [clearly] indicates otherwise:

(1) Advisory Committee--An advisory committee that is required to assist the Commission [eommission] in its rule-making functions [functien] and whose members are appointed by the Commission [eommission] pursuant to Government Code, §419.008, or other law.

(2) Agency--Includes the Commission [eommission], the Agency Chief, and all divisions, departments, and employees thereof.

(3) Agency Chief--The Agency Chief appointed by the Commission [eommission] pursuant to Government Code, §419.009.

(4) APA--Government Code, Chapter 2001, The Administrative Procedure Act, as it may be amended from time to time.

(5) Applicant--A person, including the Commission [eommission] staff, who seeks action from the Commission [eommission] by written application, petition, complaint, notice of intent, appeal, or other pleading that initiates a proceeding.

(6) Application--A written request seeking a license from the Commission [eommission], a petition, complaint, notice of intent, appeal, or other pleading that initiates a proceeding.

(7) Authorized Representative--A person who enters an appearance on behalf of a party, or on behalf of a person seeking to be a party or otherwise to participate in a Commission [eommission] proceeding.

(8) Chairman--The Commissioner [eommissioner] who serves as presiding officer of the Commission [eommission] pursuant to Government Code, §419.007.

(9) Commission--The Texas Commission on Fire Protection.

(10) Commissioner--One of the appointed members of the decision-making body defined as the Commission [eommission].

(11) Complainant--Any person, including the Commission's General Counsel [eommission's legal staff], who files a signed written complaint intended to initiate a proceeding with the Commission [eommission] regarding any act or omission by a person subject to the Commission's [eommission's] jurisdiction.

(12) Contested Case--A proceeding, including but not restricted to, the issuance of certificates, licenses, registrations, permits, etc., in which the legal rights, duties, or privileges of a party are to be determined by the agency after an opportunity for adjudicative hearing.

(13) Days--Calendar days, not working days, unless otherwise specified in this chapter or in the Commission's [eommission's] substantive rules.

(14) Division--An administrative unit for the regulation of specific activities within the Commission's [eommission's] jurisdiction.

(15) Hearings Officer--An administrative law judge on the staff of the State Office of Administrative Hearings assigned to conduct a hearing and to issue a proposal for decision, including findings of fact and conclusions of law, in a contested case pursuant to Government Code, Chapter 2003.

(16) License--Includes the whole or part of any agency permit, certificate, approval, registration, [license] or similar form of permission required or permitted by law.

(17) Licensee--A person who holds an agency permit, certificate, approval, registration, license, or similar form of permission required or permitted by law.

(18) Licensing--Includes the agency process respecting the granting, denial, renewal, revocation, suspension, annulment, withdrawal, or amendment of a license.

(19) Party--Each person or agency named or admitted as a party in a contested case.

(20) Person--Any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character other than the Commission [eommission].

(21) Pleading--A written document submitted by a party, or a person seeking to participate in a proceeding, setting forth allegations of fact, claims, requests for relief, legal argument, and/or other matters relating to a Commission [eommission] proceeding.

(22) Preliminary Staff Conference--A conference with Commission [eommission] staff for the purpose of showing compliance with all requirements of law, or to discuss informal disposition of any complaint or contested case.

(23) Presiding Officer--The chairman, the acting chairman, the Agency Chief, or a duly authorized hearings officer.

(24) Proceeding--Any hearing, investigation, inquiry, or other fact-finding or decision-making procedure, including the denial of relief or the dismissal of a complaint.

(25) Respondent--A person under the Commission's [eommission's] jurisdiction against whom any complaint or appeal has been filed or who is under formal investigation by the Commission [eommission].

(26) SOAH--State Office of Administrative Hearings.

§401.7. Construction.

(a) A provision of a rule referring to the Commission [eommission] or the chairman, or a provision of a rule referring to the Agency Chief as the presiding officer, is construed to apply to the Commission [eommission] or chairman, if the matter is within the jurisdiction of the Commission [eommission], or to the Agency Chief, if the matter is within the jurisdiction of the Agency Chief.

(b) Unless otherwise provided by law, any duty imposed on the Commission [eommission], the chairman, or the Agency Chief may be delegated to a duly authorized representative. In such a case, the provisions of any rule referring to the Commission [eommission], the chairman, or the Agency Chief shall be construed to also apply to the duly authorized representative of the Commission [eommission], the chairman, or the Agency Chief.

§401.9. Records of Official Action.

All official acts of the Commission [eommission] or the Agency Chief shall be evidenced by a recorded or written record. Official action of the Commission [eommission] or the Agency Chief shall not be bound or prejudiced by any informal statement or opinion made by any member of the Commission [eommission], the Agency Chief, or the employees of the agency.

§401.11. Conduct of Commission and Advisory Committee Meetings.

(a) Statements concerning items which are part of the Commission's [eommission's] posted agenda. Persons who desire to make presentations to the Commission [eommission] concerning

matters on the agenda for a scheduled Commission [~~commission~~] or an advisory [~~fire fighter advisory~~] committee meeting shall complete registration cards, which shall be made available at the entry to the place where the scheduled meeting is to be held. The registration cards shall include blanks in which all of the following information must be disclosed:

- (1) name of the person making a presentation;
- (2) a statement as to whether the person is being reimbursed for the presentation; and if so, the name of the person or entity on whose behalf the presentation is made;
- (3) a statement as to whether the presenter has registered as a lobbyist in relationship to the matter in question;
- (4) a reference to the agenda item which the person wishes to discuss before the Commission [~~commission~~];
- (5) an indication as to whether the presenter wishes to speak for or against the proposed agenda item; and
- (6) a statement verifying that all factual information to be presented shall be true and correct to the best of the knowledge of the speaker.

(b) Discretion of the presiding officer. The presiding officer of the Commission [~~commission~~] or the advisory committee, as the case may be, shall have discretion to employ any generally recognized system of parliamentary procedures, including, but not limited to, Robert's Rules of Order for the conduct of Commission [~~commission~~] or committee meetings, to the extent that such parliamentary procedures are consistent with the Texas Open Meetings Act or other applicable law and these rules. The presiding officer shall also have discretion in setting reasonable limits on the time to be allocated for each matter on the agenda of a scheduled Commission [~~commission~~] meeting or advisory committee meeting and for each presentation on a particular agenda item. If several persons wish to address the Commission [~~commission~~] or an advisory committee on the same agenda item, it shall be within the discretion of the chairperson to request that persons who wish to address the same side of the issue coordinate their comments, or limit their comments to an expression in favor of views previously articulated by persons speaking on the same side of an issue.

(c) Requests for issues to be placed on an agenda for discussion. Persons who wish to bring issues before the Commission [~~commission~~] shall first address their request in writing to the Agency Chief. Such requests should be submitted at least 15 days in advance of a Commission [~~commission~~] or an [~~fire fighter~~] advisory committee meeting [~~meetings~~]. The decision whether to place a matter on an agenda for discussion before the full Commission [~~commission~~], or alternatively, before an [~~the fire fighter~~] advisory committee, or with designated staff members, shall be within the discretion of the appropriate presiding officer.

§401.13. Computation of Time.

(a) Computing Time. In computing any period of time prescribed or allowed by these rules, by order of the Agency, or by any applicable statute, the period shall begin on the day after the act, event, or default in controversy and conclude on the last day of such computed period, unless it be a Saturday, Sunday, or a legal holiday, in which event, the period runs until the end of the next day which is neither a Saturday, Sunday, nor a legal holiday. A party or attorney of record notified under §401.61 of this title (relating to Record) is deemed to have been notified on the date that the [~~which~~] notice is sent.

(b) Extensions. Unless otherwise provided by statute, the time for filing any pleading, except a notice of protest, may be extended by order of the Agency Chief or designee, upon the following conditions:

(1) A written motion must be duly filed with the Agency Chief or designee prior to the expiration of the applicable period of time allowed for such filings.

(2) The written motion must show good cause for such extension and that the need is not caused by the neglect, indifference, or lack of diligence on the part of the movant.

(3) A copy of any such motion shall be served upon all other parties of record to the proceeding contemporaneously with the filing thereof.

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 November 7, 2025.

TRD-202504061

Mike Wisko

Agency Chief

Texas Commission on Fire Protection

Earliest possible date of adoption: December 21, 2025

For further information, please call: (512) 936-3812



SUBCHAPTER B. RULEMAKING PROCEEDINGS

37 TAC §401.17

The Texas Commission on Fire Protection proposes this repeal under Texas Government Code, Chapter 419, which provides the Commission with the authority to adopt rules for the administration of its powers and duties.

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

§401.17. Requirements.

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 November 7, 2025.

TRD-202504112

Mike Wisko

Agency Chief

Texas Commission on Fire Protection

Earliest possible date of adoption: December 21, 2025

For further information, please call: (512) 936-3812



37 TAC §401.19

The Texas Commission on Fire Protection proposes this rule under Texas Government Code, Chapter 419, which provides the Commission with the authority to adopt rules for the administration of its powers and duties.

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

§401.19. Petition for Adoption of Rules.

(a) Any person may petition the Commission ~~[eommission]~~ requesting the adoption of a new rule or an amendment to an existing rule as authorized by the APA, §2001.021.

(b) Petitions shall be sent to the Agency Chief. Petitions shall be deemed sufficient if they contain:

(1) the name and address of the person or entity on whose behalf the application is filed;

(2) specific reference to the existing rule which is proposed to be changed, amended, or repealed;

(3) the exact wording of the new, changed, or amended proposed rule with new language underlined and deleted language in brackets ~~[dashed out]~~;

(4) the proposed effective date; and

(5) a justification for the proposed action set out in narrative form with sufficient particularity to inform the Commission ~~[eommission]~~ and any other interested person of the reasons and arguments on which the petitioner is relying.

(c) The Agency Chief shall direct that the petition for adoption of rules be placed on the next agenda for discussion by the Commission ~~[eommission or the fire fighter advisory committee]~~ with subject matter jurisdiction in accordance with §401.11 of this title (relating to Conduct of Commission and Advisory Committee Meetings).

(d) A request for clarification of a rule shall be treated as a petition for a rule change. The Commission ~~[eommission]~~ staff may request submission of additional information from the applicant to comply with the requirements of subsection (b) 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 November 7, 2025.

TRD-202504113

Mike Wisko

Agency Chief

Texas Commission on Fire Protection

Earliest possible date of adoption: December 21, 2025

For further information, please call: (512) 936-3812



SUBCHAPTER C. EXAMINATION APPEALS PROCESS

37 TAC §401.21, §401.23

The Texas Commission on Fire Protection proposes these rules under Texas Government Code, Chapter 419, which provides the Commission with the authority to adopt rules for the administration of its powers and duties.

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

§401.21. Examination Challenge.

(a) An examinee who seeks to challenge the failure of an examination must submit a written request to the Agency Chief or his designee to discuss informal disposition of the complaint(s).

(b) An examination may be challenged only on the basis of examination content, failure to comply with the Commission's

~~[eommission]~~ rules by a certified training facility, or problems in the administration of the examination.

(c) The written request must identify the examinee, the specific examination taken, the date of the examination, and the basis of the appeal.

(d) An examinee who challenges the content of an examination must identify the subject matter of the question(s) challenged and is not entitled to review the examination due to the necessity of preserving test security.

(e) The request must be submitted within 30 days from the date the grade report is posted on the website.

(f) Commission staff shall schedule a preliminary staff conference with the applicant in accordance with §401.41 of this title (relating to Preliminary Staff Conference) to discuss the challenge within 30 days of the request or as soon as practical. The examinee may accept or reject the settlement recommendations of the Commission ~~[eommission]~~ staff. If the examinee rejects the proposed agreement, the examinee must request in writing a formal administrative hearing as described in Subchapter F of this chapter (relating to Contested Cases) within 30 days of the action complained of.

§401.23. Examination Waiver Request.

(a) An individual who is required to take a Commission ~~[eommission]~~ examination may petition the Commission ~~[eommission]~~ for a waiver of the examination if the person's certificate or eligibility expired because of a good-faith ~~[good faith]~~ clerical error on the part of the individual or an employing entity.

(b) The waiver request must include a sworn statement together with any supporting documentation that evidences the applicant's good faith efforts to comply with the Commission's ~~[eommission]~~ requirements and that failure to comply was due to circumstances beyond the control of the certificate holder or applicant.

(c) Commission staff shall schedule a preliminary staff conference with the applicant in accordance with §401.41 of this title (relating to Preliminary Staff Conference) to discuss the waiver request within 30 days of the request, or as soon as practical. The applicant may accept or reject the settlement recommendations of the Commission ~~[eommission]~~ staff. If the examinee rejects the proposed agreement, the applicant must request in writing a formal administrative hearing as described in Subchapter F of this chapter (relating to Contested Cases) within 30 days of the action complained of.

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 November 7, 2025.

TRD-202504114

Mike Wisko

Agency Chief

Texas Commission on Fire Protection

Earliest possible date of adoption: December 21, 2025

For further information, please call: (512) 936-3812



SUBCHAPTER D. DISCIPLINARY PROCEEDINGS

37 TAC §401.31

The Texas Commission on Fire Protection proposes this rule under Texas Government Code, Chapter 419, which provides the Commission with the authority to adopt rules for the administration of its powers and duties.

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

§401.31. Disciplinary Proceedings in Contested Cases.

(a) If the Commission [eommission] staff recommends administrative penalties or any other sanction for alleged violations of laws or rules, the respondent may request a preliminary staff conference.

(b) Commission staff shall schedule a preliminary staff conference with the applicant to discuss the alleged violations of laws or rules within 30 days of the request or as soon as practical. The respondent may accept or reject the settlement recommendations of the Commission [eommission] staff. If the respondent rejects the proposed agreement, the respondent must request in writing a formal administrative hearing as described in Subchapter F of this chapter (relating to Contested Cases) within 30 days of the notice of the staff's recommended disciplinary action.

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 November 7, 2025.

TRD-202504115

Mike Wisko

Agency Chief

Texas Commission on Fire Protection

Earliest possible date of adoption: December 21, 2025

For further information, please call: (512) 936-3812



SUBCHAPTER E. PREHEARING PROCEEDINGS

37 TAC §401.41

The Texas Commission on Fire Protection proposes this rule under Texas Government Code, Chapter 419, which provides the Commission with the authority to adopt rules for the administration of its powers and duties.

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

§401.41. Preliminary Staff Conference.

(a) General. After receipt of notice of alleged violations of laws or rules administered or enforced by the Commission [eommission] and its staff, the holder of the certificate, applicant, or regulated entity may request a conference with the Commission's [eommission's] staff for the purpose of showing compliance with all requirements of law, or to discuss informal disposition of any complaint or contested case.

(b) Representation. The certificate holder, applicant, or regulated entity may be represented by counsel or by a representative of his or her choice. The Commission [eommission] shall be represented by one or more members of its staff and by the Commission's General Counsel [eommission legal counsel].

(c) Informal Proceedings. The conference shall be informal[.] and will not follow procedures for contested cases. The Commission's [eommission's] representative(s) may prohibit or limit attendance by other persons; may prohibit or limit access to the

Commission's [eommission's] investigative file by the licensee, the licensee's representative, and the complainant, if present; and may record part or all of the staff conference. At the discretion of the Commission's [eommission's] representative(s), the licensee, the licensee's representative, and the Commission [eommission] staff may question witnesses; make relevant statements; and present affidavits, reports, letters, statements of persons not in attendance, and such other evidence as may be appropriate.

(d) Settlement Conference. At the discretion of the Commission's [eommission's] representative(s), the preliminary staff conference may be concluded and a settlement conference initiated to discuss staff recommendations for informal resolution of the issues. Such recommendations may include any disciplinary actions authorized by law, including administrative penalties, restitution, remedial actions, or such reasonable restrictions that may be in the public interest. These recommendations may be modified by the Commission's [eommission's] representative(s) based on new information, a change of circumstances, or to expedite resolution in the interest of protecting the public. The Commission's [eommission's] representative(s) may also recommend that the investigation be closed or referred for further investigation.

(e) Proposed Consent Order. The licensee may accept or reject the settlement recommendations of the Commission [eommission] staff. If the licensee accepts the recommendations, the licensee shall execute a settlement agreement in the form of a proposed consent order as soon thereafter as practicable. If the licensee rejects the proposed agreement, the matter may be scheduled for a hearing as described in Subchapter F of this chapter.

(f) Approval of Consent Order. Following acceptance and execution of the settlement agreement recommended by staff, said proposed agreement shall be submitted to the Agency Chief for approval. If the order is approved, it shall be signed by the Agency Chief. If the proposed order is not approved, the licensee shall be so informed, and the matter shall be referred to the Commission [eommission] staff for appropriate action to include dismissal, closure, further negotiation, further investigation, or a formal hearing.

(g) Preliminary Notice. A revocation, suspension, annulment, denial, or withdrawal of a certificate or license is not effective unless, before the institution of contested case proceedings, the holder of the certificate receives preliminary notice of the facts or conduct alleged to warrant the intended action and an opportunity to show compliance with all requirements of law.

(h) Request for Formal Hearing. Except as otherwise provided by law, if an applicant's original application or request for a certificate is denied, he or she shall have 30 days from the date of denial to make a written request for a formal hearing, and if so requested, the formal hearing will be granted and the provisions of the APA and this chapter with regard to contested cases shall apply.

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 November 7, 2025.

TRD-202504116

Mike Wisko

Agency Chief

Texas Commission on Fire Protection

Earliest possible date of adoption: December 21, 2025

For further information, please call: (512) 936-3812

SUBCHAPTER F. CONTESTED CASES

37 TAC §§401.53, 401.57, 401.59, 401.61, 401.63, 401.67

The Texas Commission on Fire Protection proposes these rules under Texas Government Code, Chapter 419, which provides the Commission with the authority to adopt rules for the administration of its powers and duties.

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

§401.53. *Contested Case Hearing.*

(a) The Commission [eommission] appoints SOAH to be its finder of fact in contested cases. The Commission [eommission] does not delegate to the hearings officer and retains for itself the right to determine the sanctions and make the final decision in a contested case.

(b) SOAH hearings of contested cases shall be conducted in accordance with the APA by a hearings officer assigned by SOAH. Jurisdiction over the case is acquired by SOAH when the Commission [eommission] staff files a request to docket case.

(c) The Commission [eommission] may serve the notice of hearing on the respondent at his or her last known address as shown by Commission [eommission] records. The notice may be served by registered U.S. mail or by certified mail, return receipt requested.

§401.57. *Filing of Exceptions and Replies to Proposal for Decision.*

(a) Once the SOAH hearing of the contested case is concluded, a proposal for decision shall be issued by the SOAH hearings officer assigned to the case. A copy of the proposal for decision [in a contested case] shall be simultaneously delivered or mailed by certified mail, return receipt requested, to each party representative of record.

(b) Exceptions to the proposal for decision shall be filed within 20 days of the date of the proposal for decision.

(c) Replies to exceptions shall be filed within 15 calendar days after the date of filing of the exceptions and briefs.

(d) The exceptions shall be specifically and concisely stated. The evidence relied upon shall be stated with particularity, and any evidence or arguments relied upon shall be grouped under the exceptions to which they relate.

(e) The SOAH hearings officer will rule on all exceptions, briefs, replies, and requests for extension of time and notify the parties of decisions and any amendments to the proposal for decision.

§401.59. *Orders.*

After the time for filing exceptions and replies to exceptions expires, the SOAH hearings officer's proposal for decision will be considered by the Agency Chief and either adopted or modified and adopted. All final decisions or orders of the Commission [eommission] or the Agency Chief shall be in writing and signed. A final decision shall include findings of fact and conclusions of law separately stated. Findings of fact, if set forth in statutory language, shall be accomplished by a concise and explicit statement of the underlying facts supporting the findings. Parties shall be notified either personally or by certified mail of any decision or order, and a copy of the decision or order shall be delivered or mailed to any party and to his or her authorized representative.

§401.61. *Record.*

(a) The record in a contested case includes the matters listed in the APA, Government Code, §2001.060.

(b) Proceedings, or any part of them, shall be transcribed upon [en] written request of any party. The party requesting the proceeding to be transcribed shall make the initial payment for the transcription.

Ultimately, however, the Commission [eommission] or Agency Chief has the authority to assess, in addition to an administrative penalty, the costs of transcribing the administrative hearing.

(c) Appeal. The costs of transcribing the testimony and preparing the record for an appeal by judicial review shall be paid by the party who appeals.

§401.63. *Final Decision and Orders.*

(a) Commission action. A copy of the final decision or order shall be delivered or mailed to any party and to the attorney of record.

(b) Recorded. All final decisions and orders shall be in writing. A final order shall include findings of fact and conclusions of law, separately stated.

(c) Changes stated in final order. If the hearings officer's proposed findings of fact or conclusions of law are modified, the final order shall reflect the specific reason and legal basis for each change made.

(d) In general. Any party aggrieved by [of] a final decision or order of the executive director in a contested case may appeal to the Commission [eommission] after the decision or order complained of is final. An appeal to the Commission [eommission] for review of action of the executive director shall be made within 30 days from the date that the writing evidencing the official action or order complained of is final and appealable, but for good cause shown, the Commission [eommission] may allow an appeal after that date. A motion for rehearing is not a prerequisite for an appeal to the Commission [eommission].

(e) Oral argument. On the request of any party, the Commission [eommission] may allow oral argument prior to the final determination of an appeal of a decision or order of the executive director.

(f) If the executive director's final decision or order is appealed to the Commission [eommission], the matter shall be set for the next available Commission [eommission] meeting and the Commission [eommission] shall take action in open session. A copy of the Commission [eommission] decision shall be delivered or mailed to any party and to the attorney of record.

§401.67. *Motions for Rehearing.*

(a) In the absence of a finding of imminent peril, a motion for rehearing is a prerequisite to a judicial appeal. A motion for rehearing must be filed by a party within 20 days after the date the party representative is notified of the final decision or order.

(b) Replies to a motion for rehearing must be filed with the agency within 30 days after the date the party representative is notified of the final decision or order.

(c) Agency action on the motion for rehearing must be taken within 45 days after the date a party representative is notified of the final decision or order. If agency action is not taken within the 45-day period, the motion for rehearing is overruled by operation of law 45 days after the date the party representative is notified of the final decision or order.

(d) The Commission [eommission] may rule on a motion for rehearing at a meeting or by mail, telephone, telegraph, facsimile transmission, or another suitable means of communication. The motion shall be deemed overruled by operation of law, unless a majority of the commissioners serving vote to grant the motion within the time provided by law for ruling on the motion for rehearing.

(e) The agency may, by written order, extend the period of time for filing the motions or replies and taking agency action, except that an extension may not extend the period for agency action beyond 90 days after the date a party representative is notified of the final order or decision.

(f) In the event of an extension, the motion for rehearing is overruled by operation of law on the date fixed by the order, or in the absence of a fixed date, 90 days after the date the party representative is notified of the final decision or order.

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 November 7, 2025.

TRD-202504117

Mike Wisko

Agency Chief

Texas Commission on Fire Protection

Earliest possible date of adoption: December 21, 2025

For further information, please call: (512) 936-3812



SUBCHAPTER G. CONDUCT AND DECORUM, SANCTIONS, AND PENALTIES

37 TAC §401.105

The Texas Commission on Fire Protection proposes this rule under Texas Government Code, Chapter 419, which provides the Commission with the authority to adopt rules for the administration of its powers and duties.

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

§401.105. *Administrative Penalties.*

(a) Following the hearing the administrative law judge shall issue a proposal for decision containing findings of fact [faets] and conclusions of law. While the administrative law judge may recommend a sanction, findings of fact and conclusions of law are inappropriate for sanction recommendations, and sanction recommendations in the form of findings of fact and conclusions of law are an improper application of applicable law and these rules. In all cases, the Commission [eommission] or Agency Chief has the discretion to impose the sanction that best accomplishes the Commission's legislatively assigned [eommission's legislatively-assigned] enforcement goals. The Commission [eommission] or Agency Chief is the ultimate arbiter of the proper penalty.

(b) The Commission [eommission], acting through the Agency Chief may, after notice and hearing required by Government Code, Chapter 2001, Administrative Procedure Act, impose an order requiring payment of an administrative penalty or monetary forfeiture in an amount not to exceed \$1,000 for each violation of Government Code, Chapter 419, or rule promulgated there under, as provided by Government Code, §419.906.

(c) In determining the amount of the administrative penalty or monetary forfeiture, the Commission [eommission] or the Agency Chief shall consider the following penalty matrix:

(1) the seriousness of the violation, including, but not limited to, the nature, circumstances, extent, and gravity of the prohibited act, and the hazard or potential hazard created to the health and safety of the public;

(2) the economic damage to property or the public's interests or confidences caused by the violation;

(3) the history of previous violations;

(4) any economic benefit gained through the violation;

(5) the amount necessary to deter future violations;

(6) the demonstrated good faith of the person, including efforts taken by the alleged violator to correct the violation;

(7) the economic impact of the imposition of the penalty or forfeiture on the person; and

(8) any other matters that justice may require.

(d) The Commission [eommission] or Agency Chief retains the right to increase or decrease the amount of an administrative penalty based on the circumstances in each case. In particular, the Commission [eommission] or Agency Chief may increase the amount of administrative penalties when the respondent has committed multiple violations (e.g., some combination of different violations). Any party aggrieved by of a final decision or order of the Agency Chief in a contested case may appeal to the Commission [eommission] after the decision or order complained of is final. An appeal to the Commission [eommission] for review of the action of the Agency Chief shall be made within 30 days from the date that the writing evidencing the official action or order complained of is final and appealable, but for good cause shown, the Commission [eommission] may allow an appeal after that date. A motion for rehearing is not a prerequisite for an appeal to the Commission [eommission].

(e) Oral argument. On the request of any party, the Commission [eommission] may allow oral argument prior to the final determination of an appeal of a decision or order of the Agency Chief.

(f) If the Agency Chief's final decision or order is appealed to the Commission [eommission], the matter shall be set for the next available Commission [eommission] meeting.

(g) Because it is the policy of the Commission [eommission] to pursue expeditious resolution of complaints when appropriate, administrative penalties in uncontested cases may be less than the amounts assessed in contested cases. Among other reasons, this may be because the respondent admits fault, takes steps to rectify matters, timely responds to Commission [eommission] concerns, or identifies mitigating circumstances, and because settlements avoid additional administrative costs.

(h) The Commission [eommission] or Agency Chief may impose an administrative penalty alone or in addition to other permitted sanctions.

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 November 7, 2025.

TRD-202504145

Mike Wisko

Agency Chief

Texas Commission on Fire Protection

Earliest possible date of adoption: December 21, 2025

For further information, please call: (512) 936-3812



SUBCHAPTER H. REINSTATEMENT

37 TAC §§401.111, 401.113, 401.115, 401.117, 401.119

The Texas Commission on Fire Protection proposes these rules under Texas Government Code, Chapter 419, which provides the Commission with the authority to adopt rules for the administration of its powers and duties.

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

§401.111. Application for Reinstatement of License or Certificate.

(a) At the expiration of one year from the date of revocation or suspension, or upon the conclusion of any specified period of suspension, the Commission [eommission] may consider a request for reinstatement by the former licensee or certificate holder (applicant).

(b) The request for reinstatement must be submitted to the Commission's [eommission] office in writing and should include a short and plain statement of the reasons why the applicant believes the license should be reinstated.

(c) Upon denial of any application for reinstatement, the Commission [eommission] may not consider a subsequent application until the expiration of one year from the date of denial of the prior application.

(d) In taking action to revoke or suspend a license or certificate, the Commission [eommission] may, in its discretion, specify the terms and conditions upon which reinstatement shall be considered.

§401.113. Evaluation for Reinstatement.

In considering reinstatement of a suspended or revoked license or certificate, the Commission [eommission] will evaluate:

(1) the severity of the act that [which] resulted in revocation or suspension of the license or certificate;

(2) the conduct of the applicant subsequent to the revocation or suspension of the license or certificate;

(3) the lapse of time since revocation or suspension;

(4) the degree of compliance with all conditions the Commission [eommission] may have stipulated as a prerequisite for reinstatement;

(5) the degree of rehabilitation attained by the applicant as evidenced by sworn notarized statements sent directly to the Commission [eommission] from qualified people who have personal and professional knowledge of the applicant; and

(6) the applicant's present qualifications to perform duties regulated by the Commission [eommission].

§401.115. Procedure upon Request for Reinstatement.

(a) An applicant for reinstatement of a revoked or suspended license or certificate must personally appear before an administrative law judge designated by the Commission [eommission] at a scheduled date and time to show why the license or certificate should be reinstated.

(b) Upon submission of proof of past revocation or suspension of the applicant's license or certificate, the applicant has the burden of proof to show present fitness and/or rehabilitation to perform duties regulated by the Commission [eommission].

(c) Upon receipt of a written request for reinstatement as required by §401.111 of this title (relating to Application for Reinstatement of License or Certificate), the applicant will be notified of a date and time of an appearance before the administrative law judge.

§401.117. Commission Action Possible upon Reinstatement.

After evaluation, the Commission [eommission] may:

(1) deny reinstatement of a suspended or revoked license or certificate;

(2) reinstate a suspended or revoked license or certificate and probate the practitioner for a specified period of time under specific conditions;

(3) authorize reinstatement of the suspended or revoked license or certificate;

(4) require the satisfactory completion of a specific program of remedial education approved by the Commission [eommission]; and/or

(5) reinstate a suspended or revoked license or certificate after verification through examination of required knowledge and skills appropriate to the suspended or revoked license or certificate. All applicable procedures shall be followed and all applicable fees shall be paid.

§401.119. Failure To Appear for Reinstatement.

An applicant for reinstatement of a revoked or suspended license or certificate who makes a commitment to appear before the administrative law judge[,] and fails to appear at a hearing set with notice by the agency[,] shall not be authorized to appear before the administrative law judge before the expiration of six months. For good cause shown, the Agency Chief may authorize an exception to this rule.

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 November 7, 2025.

TRD-202504118

Mike Wisko

Agency Chief

Texas Commission on Fire Protection

Earliest possible date of adoption: December 21, 2025

For further information, please call: (512) 936-3812



SUBCHAPTER I. NOTICE AND PROCESSING PERIODS FOR CERTIFICATE APPLICATIONS

37 TAC §401.121, §401.127

The Texas Commission on Fire Protection proposes these rules under Texas Government Code, Chapter 419, which provides the Commission with the authority to adopt rules for the administration of its powers and duties.

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

§401.121. Purpose of Establishing Time Periods.

In order to minimize delays, this subchapter establishes time periods within which the Commission [eommission] shall review and process certificate applications efficiently and provides for an appeal process should the agency violate these periods in accordance with the Government Code, Chapter 2005.

§401.127. Appeal.

(a) Hearing.

(1) Notice. An applicant who does not receive notice as to the complete or deficient status of a certificate application within the period established in this subchapter for such application may petition for a hearing to review the matter.

(2) Processing. An applicant whose permit is not approved or denied within the period established in this subchapter for such certificate may petition for a hearing to review the matter.

(3) Procedure. A hearing under this section shall be in accordance with the Administrative Procedure Act and Subchapter E of this chapter (relating to Contested Cases).

(b) Petition. A petition filed under this section must be in writing and directed to the Agency Chief. The petition shall identify the applicant, indicate the type of certificate sought and the date of the application, specify each provision in this subchapter that the agency has violated, and describe with particularity how the agency has violated each provision. The petition shall be filed with the office of the Agency Chief.

(c) Decision. An appeal filed under this section shall be decided in the applicant's favor if the Agency Chief finds that:

(1) the agency exceeded an established period under this subchapter; and

(2) the agency failed to establish good cause for exceeding the period.

(d) Good cause. The agency is considered to have good cause for exceeding a notice or processing period established for a permit if:

(1) the number of certificates to be processed exceeds by 15% or more the number of certificates processed in the same calendar quarter of the preceding year;

(2) the agency must rely on another public or private entity for all or part of its certificate processing, and the delay is caused by the other entity;

(3) the hearing and decision-making process results in a reasonable delay under the circumstances;

(4) the applicant is under administrative review;

[(5)] or any other conditions exist giving the agency good cause for exceeding a notice or processing period.

(e) Commission review. A permit applicant aggrieved by a final decision or order of the Agency Chief concerning a period established by these sections may appeal to the Commission [eommission] in writing after the decision or order complained of is final, in accordance with §401.63 of this title (relating to Final Decision and Orders).

(f) Relief.

(1) Complete or deficient status. An applicant who maintains a successful appeal under subsection (c) of this section for agency failure to issue notice as to the complete or deficient status of an application shall be entitled to notice of application status.

(2) Certificate approval or denial. An applicant who maintains a successful appeal under subsection (c) of this section for agency failure to approve or deny a certificate shall be entitled to such approval or denial of the certificate and to full reimbursement of all filing fees that have been paid to the agency in connection with the application.

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 November 7, 2025.

TRD-202504119

Mike Wisko

Agency Chief

Texas Commission on Fire Protection

Earliest possible date of adoption: December 21, 2025

For further information, please call: (512) 936-3812



SUBCHAPTER J. CHARGES FOR PUBLIC RECORDS

37 TAC §401.129

The Texas Commission on Fire Protection proposes this rule under Texas Government Code, Chapter 419, which provides the Commission with the authority to adopt rules for the administration of its powers and duties.

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

§401.129. *Charges for Public Records.*

(a) The Commission [eommission] is subject to Texas Government Code, Chapter 552, Texas Public Information Act. The Act gives the public the right to request access to government information.

(b) The Commission [eommission] adopts by reference Title 1, Part 13, Chapter 70, Cost of Copies of Public Information, as promulgated by the Office of the Attorney General.

(c) The Agency Chief may waive or reduce a charge for copies when furnishing the information benefits the general public.

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 November 7, 2025.

TRD-202504120

Mike Wisko

Agency Chief

Texas Commission on Fire Protection

Earliest possible date of adoption: December 21, 2025

For further information, please call: (512) 936-3812



SUBCHAPTER K. HISTORICALLY UNDERUTILIZED BUSINESSES

37 TAC §401.131

The Texas Commission on Fire Protection proposes this rule under Texas Government Code, Chapter 419, which provides the Commission with the authority to adopt rules for the administration of its powers and duties.

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

§401.131. *Historically Underutilized Businesses.*

The Commission [eommission] adopts by reference Title 34, Part 1, Chapter 20, Texas Procurement and Support Services, Subchapter B, Historically Underutilized Business Program, as promulgated by the Comptroller of Public Accounts.

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 November 7, 2025.

TRD-202504121

Mike Wisko

Agency Chief

Texas Commission on Fire Protection

Earliest possible date of adoption: December 21, 2025

For further information, please call: (512) 936-3812



CHAPTER 429. FIRE INSPECTOR AND PLAN EXAMINER

SUBCHAPTER B. MINIMUM STANDARDS FOR PLAN EXAMINER

37 TAC §429.203

The Texas Commission on Fire Protection (the Commission) proposes amendments 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 proposed amendment to §429.203 adds subsection (1), requiring individuals to hold certification as a Basic Inspector prior to obtaining Plan Examiner I certification. The amendment also updates numbering and formatting for clarity and consistency with current Commission standards.

FISCAL NOTE / IMPACT ON STATE AND LOCAL GOVERNMENT

Michael Wisko, Agency Chief, has determined that for each year of the first five-year period the proposed amendment is in effect, there will be no fiscal impact to state or local governments as a result of enforcing or administering these amendments.

PUBLIC BENEFIT AND COST NOTE

Mr. Wisko has also determined that for each of the first five years the proposed amendment is in effect, the public benefit will be improved clarity in certification requirements and consistency in Commission rules. There are no anticipated economic costs to individuals required to comply with the amendment.

LOCAL ECONOMY IMPACT STATEMENT

There is no anticipated effect on local economies; therefore, no local employment impact statement is required under Texas Government Code §§2001.022 and 2001.024(a)(6).

ECONOMIC IMPACT ON SMALL BUSINESSES, MICRO-BUSINESSES, AND RURAL COMMUNITIES

The proposed rule has no impact on small businesses, micro-businesses, or rural communities. No regulatory flexibility analysis is required under Texas Government Code §2006.002.

GOVERNMENT GROWTH IMPACT STATEMENT

The Commission has determined that during the first five years the proposed amendment is in effect:

- (1) The rule will not create or eliminate a government program;
- (2) The rule will not require an increase or decrease in future legislative appropriations;

(3) The rule will not result in an increase or decrease in fees paid to the agency;

(4) The rule will not create a new regulation;

(5) The rule will not expand, limit, or repeal an existing regulation;

(6) The rule will not increase the number of individuals subject to the rule; and

(7) The rule is not anticipated to have an adverse effect on the state's economy.

TAKINGS IMPACT ASSESSMENT

The Commission has determined that this proposal does not restrict or limit an owner's right to property that would otherwise exist in the absence of government action and therefore does not require a takings impact assessment under Texas Government Code §2007.043.

COSTS TO REGULATED PERSONS

The proposed amendment does not impose a cost on regulated persons, including other state agencies, special districts, or local governments, and therefore is not subject to Texas Government Code §2001.0045.

ENVIRONMENTAL IMPACT STATEMENT

The Commission has determined that this proposal does not require an environmental impact analysis because it is not a major environmental rule under Texas Government Code §2001.0225.

REQUEST FOR PUBLIC COMMENT

Written comments regarding this proposal may be submitted within 30 days of publication 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

This proposal is made under Texas Government Code §§419.008 and 419.032, which authorize the Commission to adopt rules for the administration of its powers and duties.

CROSS-REFERENCE TO STATUTE

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

§429.203. *Minimum Standards for 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) [(4)] possess valid documentation as a 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) [(2)] complete a Commission-approved [eommission approved] Plan Examiner I training program and successfully pass the Commission [eommission] 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 [commission approved] Plan Examiner I Curriculum, as specified in the Commission's [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 [commission] for evaluation and found to meet the minimum requirements as listed in the Commission-approved [commission approved] approved Plan Examiner I Curriculum as specified in the Commission's [commission's] Certification Curriculum Manual; or

(C) documentation of the receipt of a Plan Examiner I certificate issued by the State Firemen's and Fire Marshals' Association of Texas that is deemed equivalent to a Commission-approved [commission approved] approved 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 November 7, 2025.

TRD-202504045

Mike Wisko

Agency Chief

Texas Commission on Fire Protection

Earliest possible date of adoption: December 21, 2025

For further information, please call: (512) 936-3812



CHAPTER 435. FIRE FIGHTER SAFETY

37 TAC §435.7

The Texas Commission on Fire Protection (the Commission) proposes amendments to 37 Texas Administrative Code, Chapter 435, Fire Fighter Safety, §435.7 - Implementation of Mandatory NFPA Standards. The purpose of the amendments is to clarify language related to the implementation of NFPA standards, allow for plan submission and Commission approval for extensions, and update the expiration date for subsection (b). The amendments also include grammatical and formatting updates for consistency across Chapter 435.

BACKGROUND AND PURPOSE

The proposed amendments clarify language related to the implementation of NFPA standards, allow for plan submission and Commission approval for extensions, and update the expiration date for subsection (b). The amendment also includes minor grammatical and formatting updates for consistency.

FISCAL NOTE IMPACT ON STATE AND LOCAL GOVERNMENT

Michael Wisko, Agency Chief, has determined that for each year of the first five-year period, the proposed amendments is in effect, there will be no significant fiscal impact to state government or local governments because of enforcing or administering these amendments as proposed under Texas Government Code §2001.024(a)(4).

PUBLIC BENEFIT AND COST NOTE

Mr. Wisko has also determined under Texas Government Code §2001.024(a)(5) that for each year of the first five years the proposed amendments is in effect, the public benefit will be accurate, clear, and concise rules.

LOCAL ECONOMY IMPACT STATEMENT

There is no anticipated effect on the local economy for the first five years that the proposed amendments is in effect; therefore, no local employment impact statement is required under Texas Government Code §2001.022 and 2001.024(a)(6).

ECONOMIC IMPACT ON SMALL BUSINESSES, MICRO-BUSINESSES, AND RURAL COMMUNITIES

Mr. Wisko has determined there will be no impact on rural communities, small businesses, or micro-businesses as a result of implementing the proposed amendments. Therefore, no economic impact statement or regulatory flexibility analysis is required under Texas Government Code §2006.002.

GOVERNMENT GROWTH IMPACT STATEMENT

The agency has determined under Texas Government Code §2006.0221 that during the first five years the proposed amendments is in effect:

- (1) the rules will not create or eliminate a government program;
- (2) the rules will not create or eliminate any existing employee positions;
- (3) the rules will not require an increase or decrease in future legislative appropriation;
- (4) the rules will not result in a decrease in fees paid to the agency;
- (5) the rules will not create a new regulation;
- (6) the rules will not expand a regulation;
- (7) the rules will not increase the number of individuals subject to the rule; and
- (8) the rules are not anticipated to have an adverse impact on the state's economy.

TAKINGS IMPACT ASSESSMENT

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

COSTS TO REGULATED PERSONS The proposed amendments do not impose a cost 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 amendments do not require an environmental impact analysis because the amendments are not major environmental rules under Texas Government Code §2001.0225.

REQUEST FOR PUBLIC COMMENT

Comments regarding the proposed amendments may be submitted, in writing, within 30 days following the 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, or e-mailed to frank.king@tcfp.texas.gov.

STATUTORY AUTHORITY

The proposed amendment is proposed under Texas Government Code §419.008(f), which provides the Commission may appoint an advisory committee to assist it in the performance of its duties, and under Texas Government Code §419.008(a), which provides the Commission may adopt rules for the administration of its powers and duties.

CROSS-REFERENCE TO STATUTE

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

§435.7. *Implementation of Mandatory NFPA Standards.*

(a) Allow implementation of TCFP-mandated NFPA standards at the Commissioner's discretion up to 365 days from the effective date of the new NFPA standard.

(b) Extensions to meet mandated NFPA standards may be granted upon plan submission and Commission approval.

(c) Insufficient funding will not justify delays.

(d) Subsection (b) of this section expires on September 1, 2027.

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 November 7, 2025.

TRD-202504046

Mike Wisko

Agency Chief

Texas Commission on Fire Protection

Earliest possible date of adoption: December 21, 2025

For further information, please call: (512) 936-3812



CHAPTER 437. FEES

37 TAC §437.3

The Texas Commission on Fire Protection (the Commission) proposes amendments to 37 Texas Administrative Code, Chapter 437, Firefighter Safety, §437.3 - Certification Application Processing Fees.

BACKGROUND AND PURPOSE

The proposed amendments update the language regarding the waiver of certification application processing fees for military service members, veterans, and spouses to align with current statutory requirements. The amendments remove redundant subsections and consolidates the waiver provision for clarity and consistency with Texas Occupations Code Chapter 55.

FISCAL NOTE IMPACT ON STATE AND LOCAL GOVERNMENT

Michael Wisko, Executive Director, has determined that for each year of the first five years the proposed amendments are in effect, there will be no fiscal impact to state or local governments as a result of enforcing or administering this rule.

PUBLIC BENEFIT AND COST NOTE

Mr. Wisko has also determined that for each year of the first five years the rule is in effect, the public benefit will be accurate, clear, and concise rule language that aligns with current statutory provisions. There is no anticipated economic cost to individuals required to comply with the proposed amendment.

LOCAL ECONOMY IMPACT STATEMENT

No adverse impact on local employment or the local economy is expected as a result of enforcing or administering this rule. Therefore, no local employment impact statement is required under Texas Government Code §2001.022 and §2001.024(a)(6).

ECONOMIC IMPACT ON SMALL BUSINESSES, MICRO-BUSINESSES, AND RURAL COMMUNITIES

The proposed rule has no impact on small businesses, micro-businesses, or rural communities. Accordingly, no regulatory flexibility analysis is required under Texas Government Code §2006.002.

GOVERNMENT GROWTH IMPACT STATEMENT

The agency has determined under Texas Government Code §2001.0221 that for each year of the first five years the proposed rule is in effect:

- (1) the rule will not create or eliminate a government program;
- (2) the rule will not require an increase or decrease in future legislative appropriations;
- (3) the rule will not result in a change in the number of agency employee positions;
- (4) the rule will not affect fees paid to the agency;
- (5) the rule will not create, expand, or limit any regulation;
- (6) the rule will not affect the number of individuals subject to the rule; and
- (7) the rule will not have an impact on the state's economy.

TAKINGS IMPACT ASSESSMENT

The Commission has determined that the proposed amendments do not restrict or burden private real property rights and therefore does not constitute a taking under Texas Government Code §2007.043.

COSTS TO REGULATED PERSONS

The proposed amendments do not impose a cost on regulated persons, including another state agency, special district, or local government. Therefore, this rulemaking is not subject to Texas Government Code §2001.0045.

ENVIRONMENTAL IMPACT STATEMENT

The Commission has determined that this proposed rulemaking does not require an environmental impact analysis because it is not a major environmental rule under Texas Government Code §2001.0225.

REQUEST FOR PUBLIC COMMENT

Comments regarding this proposal may be submitted in writing within 30 days following the 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,
or emailed to frank.king@tcfp.texas.gov

STATUTORY AUTHORITY

This rule is proposed under Texas Government Code §419.008, which authorizes the Commission to adopt rules for the administration of its powers and duties.

CROSS-REFERENCE TO STATUTE

Texas Government Code §419.008 and Texas Occupations Code Chapter 55.

§437.3. *Certification Application Processing Fees.*

(a) A non-refundable application processing fee of \$85 is required for each certificate issued by the Commission [eommission]. If a certificate is issued within the time provided in §401.125 of this title (relating to Processing Periods), the fee will be applied to the certification. If the certificate is denied, the applicant must pay a new certification application processing fee to file a new application.

(b) The regulated employing entity shall be responsible for all certification application processing fees required as a condition of appointment.

(c) Nothing in this section shall prohibit an individual from paying a certification application processing fee for any certificate which he or she is qualified to hold, providing the certificate is not required as a condition of appointment (see subsection (b) of this section concerning certification fees).

(d) A facility that provides training for any discipline for which the Commission [eommission] has established a curriculum must be certified by the Commission [eommission]. The training facility will be charged a separate certification application processing fee for each discipline or level of discipline for which application is made.

(e) The certification application processing fee is waived for a military service member, military veteran, or military spouse.

~~[(e) The certification application processing fee is waived for a military service member or military veteran whose military service, training, or education substantially meets the requirements for commission certification, and is applying for the first time for a certification required by commission rules for appointment to duties.]~~

~~[(f) The certification application processing fee is waived for a military service member, military veteran, or military spouse who holds a current license or certification issued by another jurisdiction that has requirements substantially equivalent to the requirements for commission certification, and is applying for the first time for a certification required by commission rules for appointment to duties.]~~

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

Filed with the Office of the Secretary of State on November 7, 2025.

TRD-202504051

Mike Wisko
Agency Chief

Texas Commission on Fire Protection

Earliest possible date of adoption: December 21, 2025

For further information, please call: (512) 936-3812

◆ ◆ ◆

PART 15. TEXAS FORENSIC SCIENCE COMMISSION

CHAPTER 651. DNA, CODIS, FORENSIC ANALYSIS, AND CRIME LABORATORIES SUBCHAPTER C. FORENSIC ANALYST LICENSING PROGRAM

37 TAC §651.203, §651.207

The Texas Forensic Science Commission (Commission) proposes amendments to 37 Texas Administrative Code §651.203, Forensic Disciplines Subject to Commission Licensing; Categories of Licensure and §651.207, Forensic Analyst and Forensic Technician Licensing Requirements, Including Initial License Term and Fee, Minimum Education and Coursework, General Forensic Examination, Proficiency Monitoring, and Mandatory Legal and Professional Responsibility Training to: 1) correct a missing term in the title of §651.203; 2) remove the fee for a temporary forensic analyst license; and 3) clarify the Toxicologist (Interpretive) category of licensure is a type of forensic analyst license. The change reflects a vote taken by the Commission at its October 24, 2025 quarterly meeting.

Background and Justification. The proposed amendments relate to the elimination of an existing \$100.00 fee for an application for temporary forensic analyst license. The amendments are needed to increase efficiency for certain criminal cases where prosecutors must utilize the forensic analysis and related testimony from accredited laboratories located outside of Texas that typically do not perform casework in Texas. Where a criminal action involves evidence in multiple states, the evidence may be collected and tested in one state but subsequently admitted in a Texas court. To enable those accredited out-of-state laboratories and qualified analysts to testify in compliance with the requirements of the Texas Code of Criminal Procedure articles 38.01 and 38.35, the Commission recognizes the out-of-state laboratory's accreditation and grants a temporary license to the forensic analyst who will testify in the case. This rule change eliminates the application fee associated with the license because Commission staff has observed it creates an unnecessary administrative burden on the agencies requesting the license(s). It is in the interest of public safety and efficiency for the Commission to eliminate the fee. The proposed amendments related to the Toxicologist (Interpretive) category of licensure are necessary to clarify to end users in the criminal justice system that a Toxicologist (Interpretive) license covers all analyst and technician level activities as the highest category of licensure in toxicology offered by the Commission. Under the current rules, the title of the license Toxicologist (Interpretive) does not include the term "analyst," which could imply the license does not cover "analyst" level activities. The changes provide clarity that the license category covers all analyst and technician level categories of analysis for the toxicology discipline. Finally, the rule amends the title for rule §651.203 to add the missing word "Discipline" to "Forensic Subject to Commission Licensing; Categories of Licensure."

Fiscal Note. Leigh M. Tomlin, Associate General Counsel of the Commission, has determined that for each year of the first five years the proposed amendments are in effect, there will be no fiscal impact to state or local governments, as a result of the enforcement or administration of the amendments. The Commission has only issued two temporary licenses at \$100.00 each since the inception of the forensic analyst licensing program in

2019, and the amendments do not impose any costs to state or local governments.

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

Public Benefit. Ms. Tomlin has also determined that for each year of the first five years the new rule is in effect, the anticipated public benefit is that the Commission will charge no fees for temporary licenses in criminal cases that cross state borders, particularly where the evidence is collected and analyzed in one state and subsequently admitted in a Texas criminal case. The changes better facilitate efficient resolution of the criminal action in Texas in these cases. Regarding the Toxicologist (Interpretive) licensure category title changes, the changes provide legal end-users in the criminal justice system with better clarity on the scope of activities permitted by a licensed Toxicologist (Interpretive).

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

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

Government Growth Impact Statement. Ms. Tomlin has determined that for the first five-year period, implementation of the proposed amendments will have no government growth impact as described in Title 34, Part 1, Texas Administrative Code §11.1. Pursuant to the analysis required by Government Code §2001.221(b): 1) the proposed amendments do not create or eliminate a government program; 2) implementation of the proposed amendments do not require the creation of new employee positions or the elimination of existing employee positions; 3) implementation of the proposed amendments do not increase or decrease future legislative appropriations to the agency; 4) the proposed amendments do not require a fee; 5) the proposed amendments do not create a new regulation; 6) the proposed amendments do not increase the number of individuals subject to regulation; and 7) the proposed amendments have a negligible effect on the state's economy.

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

Request for Public Comment. The Commission invites comments on the proposal from any member of the public. Please submit comments to Leigh M. Tomlin, 1701 North Congress Avenue, Suite 6-107, Austin, Texas 78701 or leigh@fsc.texas.gov. Comments must be received by December 23, 2025 to be considered by the Commission.

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

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

§651.203. Forensic Disciplines Subject to Commission Licensing; Categories of Licensure.

(a) Forensic analysis/recognized accreditation. This section describes the forensic disciplines for which accreditation by an accrediting body recognized by the Commission is required by Article 38.01, Code of Criminal Procedure and for which licensing is therefore also required.

(b) By discipline. An individual may apply to the Commission for a Forensic Analyst License for one or more of the disciplines set forth in this section. The specific requirements for obtaining a license in any of the following disciplines may differ depending upon the categories of analysis within the discipline for which the individual is qualified to perform independent casework as set forth in §651.207 of this subchapter (relating to Forensic Analyst Licensing Requirements Including License Term, Fee and Procedure for Denial of Application and Reconsideration). An individual's license shall designate the category or categories of licensure for which the individual has been approved for independent casework and for which the individual has met the requirements set forth in §651.207 of this subchapter as follows:

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

(2) Toxicology. Categories of analysis may include one or more of the following: qualitative determination and quantitative measurement; Categories of Licensure: Toxicology Analyst Alcohol only (Non-interpretive); Toxicology Analyst (General, Non-interpretive); Toxicology Analyst [~~Toxicologist~~] (Interpretive); Toxicology Technician;

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

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

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

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

the individual still shall comply with the requirements for the discipline or category of analysis as outlined in this subchapter.

(d) Analysts and Technicians Performing Forensic Analysis on Behalf of the United States Government. Any forensic analyst or technician who performs forensic analysis on behalf of a publicly funded laboratory or law enforcement entity operating under the authority of the United States Government is deemed licensed to perform forensic analysis in Texas for purposes of this subchapter.

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

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

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

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

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

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

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

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

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

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

~~[(D) Temporary License fee of \$100;]~~

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

(E) ~~[(F)]~~ License Reinstatement fee of \$220;

(F) ~~[(G)]~~ De Minimis License fee of \$200 per ten (10) licenses;

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

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

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

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

(d) Minimum Education Requirements.

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

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

(3) Toxicology (Toxicology Analyst (Alcohol Only, Non-interpretive), Toxicology Analyst (General, Non-interpretive), Toxicology Analyst [Toxicologist] (Interpretive)). An applicant for a Forensic Analyst License in toxicology must have a baccalaureate or advanced degree in a chemical, physical, biological science, chemical engineering or forensic science from an accredited university.

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

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

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

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

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

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

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

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

(c) **Specific Coursework Requirements.**

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

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

(A) **Toxicology Analyst (Alcohol Only, Non-interpretive).** A toxicology analyst who conducts, directs or reviews the alcohol analysis of forensic toxicology samples, evaluates data, reaches conclusions and may sign a report for court or investigative purposes, but does not provide interpretive opinions regarding human performance must complete a minimum of sixteen-semester credit hours (or equivalent) in college-level chemistry coursework above general coursework from an accredited university.

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

(C) **Toxicology Analyst [Toxicologist] (Interpretive).** A toxicology analyst [toxicologist] who conducts, directs or reviews the analysis of forensic toxicology samples, evaluates data, reaches conclusions, signs reports, and/or provides interpretive opinions regarding human performance related to the results of toxicological tests (alcohol and general) for court or investigative purposes must complete a minimum of sixteen-semester credit hours (or equivalent) in college-level chemistry coursework above general coursework that includes organic chemistry, one three-semester credit hour (or equivalent) course in college-level analytical chemistry (Analytical Chemistry, Chemical Informatics, Instrumental Analysis, Mass

Spectrometry, Quantitative Analysis, Separation Science or Spectroscopic Analysis) and one three-semester credit hour (or equivalent) college-level courses in interpretive science. (Biochemistry, Drug Metabolism, Forensic Toxicology, Medicinal Chemistry, Pharmacology, Physiology, or Toxicology).

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

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

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

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

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

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

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

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

(g) **Waiver of Specific Coursework Requirements and/or Minimum Education Requirements for Lateral Hires, Promoting Analysts and Current Employees.** Specific coursework requirements and minimum education requirements are considered an integral part of the li-

censing process; all applicants are expected to meet the requirements of the forensic discipline(s) for which they are applying or to offer sufficient evidence of their qualifications as described below in the absence of specific coursework requirements or minimum education requirements. The Commission Director or Designee may waive one or more of the specific coursework requirements or minimum education requirements outlined in this section for an applicant who:

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

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

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

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

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

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

(h) General Forensic Analyst Licensing Exam Requirement.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (iii) crime scene reconstruction;
- (iv) latent print processing or examination;
- (v) digital evidence (including computer forensics, audio, or imaging);
- (vi) breath specimen testing under Transportation Code, Chapter 724, limited to analysts who perform breath alcohol calibrations; and
- (vii) document examination, including document authentication, physical comparison, and product determination.

(i) Proficiency Monitoring Requirement.

(1) An applicant must demonstrate participation in the employing laboratory's process for intra-laboratory comparison, inter-laboratory comparison, proficiency testing, or observation-based performance monitoring requirements in compliance with and on the timeline set forth by the laboratory's accrediting body's proficiency monitoring requirements as applicable to the Forensic Analyst or Forensic Technician's specific forensic discipline and job duties.

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

(j) Mandatory Legal and Professional Responsibility Course:

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

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

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

Filed with the Office of the Secretary of State on November 5, 2025.

TRD-202504001

Leigh Tomlin

Associate General Counsel

Texas Forensic Science Commission

Earliest possible date of adoption: December 21, 2025

For further information, please call: (512) 936-0661



37 TAC §651.216

The Texas Forensic Science Commission (Commission) proposes amendments to 37 Texas Administrative Code §651.216,

Disciplinary Action, to harmonize language related to disciplinary actions by the Commission with the disciplinary action authority granted to the Commission in Code of Criminal Procedure, Article 38.01, Section 4-c. The changes reflect a vote taken by the Commission at its October 24, 2025 quarterly meeting.

Background and Justification. The proposed amendments align the Commission's rules for disciplinary actions related to licensees with the Commission's current statutory authority for disciplinary actions against a licensee in Code of Criminal Procedure, Article 38.01, Section 4-c. The Commission's current rule for licensees related to disciplinary actions begins with the term "Professional Misconduct," which may imply the Commission can only take disciplinary action against a licensee after a professional misconduct finding. Further, the rule does not reference "professional negligence" as another finding by which the Commission may take appropriate disciplinary action against a licensee. Code of Criminal Procedure, Article 38.01, Section 4-c authorizes the Commission to take disciplinary action on a determination by the Commission that a licensee has committed *professional negligence* or professional misconduct, violated the Commission's code of professional responsibility, or otherwise violated Code of Criminal Procedure, Article 38.01, or other rule or order of the Commission. The changes proposed herein reflect this authority.

Fiscal Note. Leigh M. Tomlin, Associate General Counsel of the Commission, has determined that for each year of the first five years the proposed amendments are in effect, there will be no fiscal impact to state or local governments, as a result of the enforcement or administration of the amendments. The amendments do not impose any costs to state or local governments.

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

Public Benefit. Ms. Tomlin has also determined that for each year of the first five years the new rule is in effect, the anticipated public benefit is that members of the criminal justice community and other stakeholders will better understand the Commission's authority with respect to disciplinary actions against licensees.

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

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

Government Growth Impact Statement. Ms. Tomlin has determined that for the first five-year period, implementation of the proposed amendments will have no government growth impact as described in Title 34, Part 1, Texas Administrative Code §11.1. Pursuant to the analysis required by Government Code § 2001.221(b): 1) the proposed amendments do not create or eliminate a government program; 2) implementation of the proposed amendments do not require the creation of new employee positions or the elimination of existing employee

positions; 3) implementation of the proposed amendments do not increase or decrease future legislative appropriations to the agency; 4) the proposed amendments do not require a fee; 5) the proposed amendments do not create a new regulation; 6) the proposed amendments do not increase the number of individual's subject to regulation; and 7) the proposed amendments have a negligible effect on the state's economy.

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

Request for Public Comment. The Commission invites comments on the proposal from any member of the public. Please submit comments to Leigh M. Tomlin, 1701 North Congress Avenue, Suite 6-107, Austin, Texas 78701 or leigh@fsc.texas.gov. Comments must be received by December 23, 2025 to be considered by the Commission.

Statutory Authority. The rule amendments are proposed under the general rulemaking authority provided in Code of Criminal Procedure, Article 38.01 §3-a and pursuant its authority to investigate and make a determination of whether professional negligence or professional misconduct occurred under § 4; take disciplinary action under § 4-c, and its authority to license forensic analysts under §4-a(b).

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

§651.216. *Licensee Disciplinary Actions [Action].*

(a) Disciplinary Actions [Professional Misconduct Finding]. On a determination by the Commission that a license holder or applicant for a license has committed professional negligence or professional misconduct as defined by §651.302 of this chapter (relating to Definitions) and under Article 38.01, Code of Criminal Procedure or violated Article 38.01, Code of Criminal Procedure, or a rule or order of the Commission, the Commission may, as applicable:

- (1) revoke or suspend the person's license;
- (2) refuse to renew the person's license;
- (3) reprimand the license holder; or
- (4) deny the person a license.

(b) **Probation.** The Commission may place on probation a person whose license is suspended. If a license suspension is probated, the Commission may require the license holder to:

- (1) report regularly to the Commission on matters that are the basis of the probation; or
- (2) continue or review continuing professional education until the license holder attains a degree of skill satisfactory to the Commission in those areas that are the basis of the probation.

(c) **Factors in Determining Possible Adverse Action.**

(1) In determining the appropriate disciplinary action against a license holder or in assessing whether a prospective applicant

must be granted a license, the Commission may consider the following factors:

- (A) the seriousness of the violation;
- (B) the individual's disciplinary history;
- (C) the harm or potential harm to the laboratory or criminal justice system as a whole;
- (D) attempted concealment of the act by the individual;
- (E) any other relevant factors.

(2) The Commission considers the following factors in determining whether a less severe or less restrictive disciplinary action is warranted:

- (A) candor in addressing the violation, including self-reported and voluntary admissions of the misconduct or violation;
- (B) acknowledgement of wrongdoing and willingness to cooperate with the Commission;
- (C) changes made by the individual to ensure compliance and prevent future misconduct;
- (D) rehabilitative potential;
- (E) other relevant circumstances reducing the seriousness of the misconduct; or
- (F) other relevant circumstances lessening responsibility for the misconduct.

(3) The license holder or license applicant will have the burden to present evidence regarding any mitigating factors that may apply.

(4) This rule will not be construed to deny any licensee or applicant subject to disciplinary action by the Commission the right to introduce mitigating evidence in a hearing before the Judicial Branch Certification Commission. This rule also will not be construed to deny the Texas Forensic Science Commission the right to introduce any evidence supporting any of the factors described above in a hearing before the Judicial Branch Certification Commission.

(d) A license holder has a right to notice and appeal to the Judicial Branch Certification Commission as described in Subchapter E of this chapter.

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 November 5, 2025.

TRD-202504002

Leigh Tomlin

Associate General Counsel

Texas Forensic Science Commission

Earliest possible date of adoption: December 21, 2025

For further information, please call: (512) 936-0661



WITHDRAWN RULES

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

TITLE 22. EXAMINING BOARDS

PART 23. TEXAS REAL ESTATE COMMISSION

CHAPTER 537. PROFESSIONAL AGREEMENTS AND STANDARD CONTRACTS

**22 TAC §§537.20, 537.22, 537.28, 537.30 - 537.32, 537.37,
537.62, 537.63, 537.68**

The Texas Real Estate Commission withdraws proposed new and amended §§537.20, 537.22, 537.28, 537.30 - 537.32, 537.37, 537.62, 537.63, and 537.68 which appeared in the August 29, 2025, issue of the *Texas Register* (50 TexReg 5586).

Filed with the Office of the Secretary of State on November 6, 2025.

TRD-202504034

Abby Lee

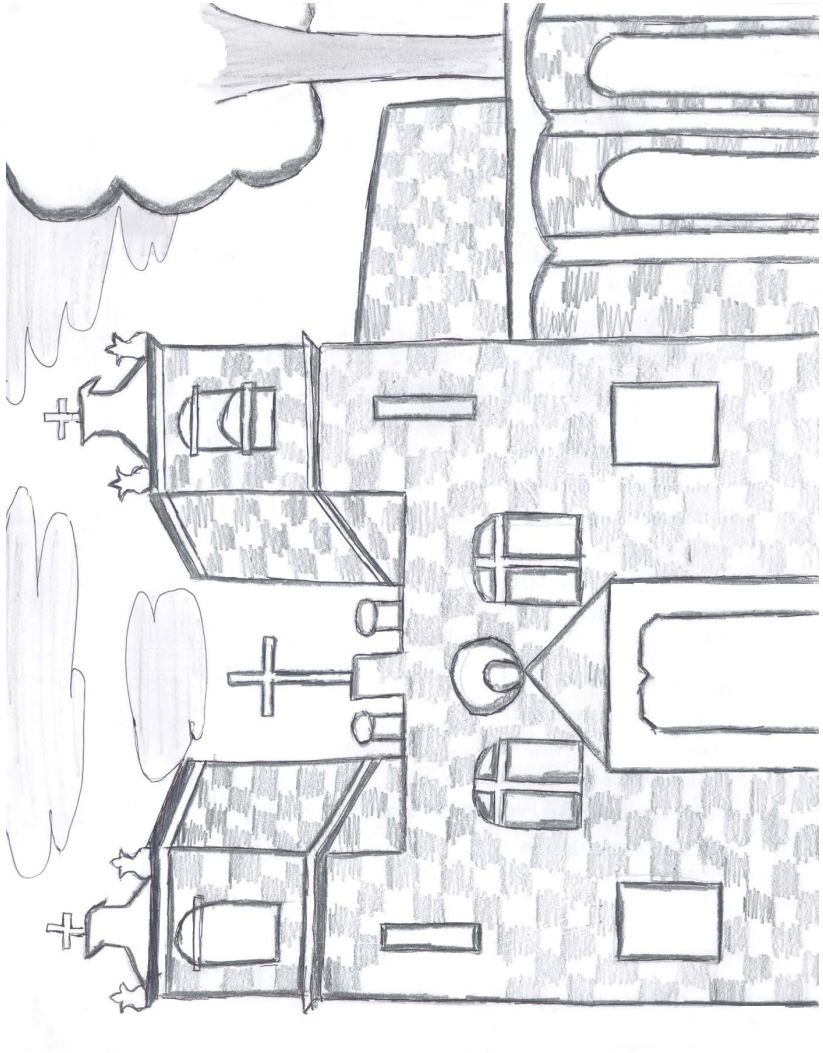
General Counsel

Texas Real Estate Commission

Effective date: November 6, 2025

For further information, please call: (512) 936-3057





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 10. COMMUNITY DEVELOPMENT

PART 1. TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

CHAPTER 80. MANUFACTURED HOUSING SUBCHAPTER C. LICENSEES' RESPONSIBILITIES AND REQUIREMENTS

10 TAC §80.31, §80.32

The Manufactured Housing Division of the Texas Department of Housing and Community Affairs (the "Department") adopts amendments with a non-substantive change 10 Texas Administrative Code, Chapter 80, §80.31 and §80.32 relating to the regulation of the manufactured housing program. The rules are adopted for clarification purposes. The text to the adopted rules with a non-substantive change will be republished in the *Texas Register*. The proposed amendments were published in the October 3, 2025, issue of the *Texas Register* (50 TexReg 6393).

The adoption of the rules is effective thirty (30) days following the date of publication in the *Texas Register*.

SUMMARY OF COMMENTS AND DEPARTMENT RESPONSES:

Comment: The Department received a comment from the Office of the Governor suggesting removing the semicolon in the proposed new sentence in §80.32(n) between "or ownership change; or the date."

Department Response: The Department agrees with the suggestion and removed the semicolon.

The Department did not receive a request for a public hearing to take comments on the rules.

The following is a restatement of the rules' factual basis:

10 Texas Administrative Code §80.31(c) is adopted without changes to remove an inaccurate reference to having the data plate on the reverse side of the Manufacturer's Certificate of Origin (MCO).

10 Texas Administrative Code §80.32(n) is adopted with a non-substantive change to provide clarification regarding not accepting any document that is executed in blank or allow any alteration to a completed document without the consumer initialing.

The amendments are adopted under §1201.052 of the Texas Occupations Code, which provides the Director with authority to amend, add, and repeal rules governing the Manufactured Housing Division of the Department and §1201.053 of the Texas Occupations Code, which authorizes the board to adopt rules as necessary and the director to administer and enforce the man-

ufactured housing program through the Manufactured Housing Division.

No other statutes, codes, or articles are affected by adoption of the amended rules.

§80.31. *Manufacturers' Responsibilities and Requirements.*

(a) A manufacturer shall submit a monthly shipment report to the Department of all manufactured homes produced during the preceding month for shipment to any point in Texas. The report shall contain the following information:

- (1) the complete HUD label number(s);
- (2) the complete serial number(s);
- (3) the license number of the retailer to whom the home is sold and the location to which it is initially shipped; and
- (4) a designation as to single or multiple sections.

(b) The manufacturer's monthly shipment report shall be filed with the Department by the 20th day of the month following the earlier of manufacture of the home and/or shipment. If a manufacturer has no sales or shipments to any person in the State of Texas during any month, the report must be filed stating such fact.

(c) A manufacturer shall use the Manufacturer's Certificate of Origin (MCO) prescribed by the Department set forth on the Department's website for homes sold to retailers in Texas.

(d) A manufacturer shall supply to the Department current and revised copies of approved installation manuals as required by §80.20 of this chapter (relating to Requirements for Manufacturer's Designs and Installation Instructions).

(e) The term of a required warranty does not begin to run until a warranty that complies with the Standards Act is actually delivered.

§80.32. *Retailers' Responsibilities and Requirements.*

(a) A retailer shall retain as a record of each sale a file for that sale containing a completed Retail Monitoring Checklist on the prescribed form, together with copies of all completed, executed, and signed applicable documents specified therein.

(b) At the time of signing a contract for the sale of a manufactured home, the retailer must disclose to the purchaser, a notice of the existence of a Dispute Resolution Program through HUD, either on a separate document from the sales contract or it may be incorporated clearly at the top of the sales contract. Disclosure of this requirement should be acknowledged by the consumer.

(c) A retailer shall timely provide each consumer who acquires a manufactured home by sale or exchange with the applicable warranty or warranties specified in the Standards Act and any warranty regarding the home itself shall specify whether the warranty includes cosmetic items or not and, if it does include them, whether there are any limitations or special requirements, such as a walk-through punch lists, excluded items, or the like.

(d) For each manufactured home taken into a retailer's inventory, a retailer shall maintain a copy of either a completed and timely submitted application for a statement of ownership to reflect the home as inventory or, once such a statement of ownership has been issued and received, a copy of that statement of ownership.

(e) For each home altered or rebuilt from salvage a retailer shall retain the documentation required for rebuilding a manufactured home that is declared salvaged.

(f) A retailer must provide their company name, license number, contact information on any sales agreement, and proof of purchase or confirmation of sale.

(g) If a retailer relies on a third party, such as a title company or closing attorney, to file with the Department the required forms necessary to enable the Department to issue a Statement of Ownership to a consumer, the retailer must provide an instruction letter to that third party, advising them of their responsibilities to make such filings and the required timeframes therefore. This does not relieve the retailer from responsibility. The retailer must retain with their sale records a copy of that instruction letter and all documentation provided to such third party to enable them to make such filings. This optional form is available on the Department's website.

(h) On a new manufactured home and on any used manufactured home where the sale or exchange includes installation, the retailer must specify in the applicable contract or an accompanying written disclosure the intended date by which installation will be complete and a designated person to contact for the current status as to the intended date for completion of installation. For new manufactured homes, the retailer is responsible for ensuring that a licensed installer warrants the proper installation of the home and performs the required site preparation.

(i) If any goods or services being provided by a retailer in connection with the sale and/or installation of a manufactured home, the retailer must disclose, in writing, the goods and/or services to be provided and a good faith estimate as to when they will be provided.

(j) If any goods with a retail value of more than \$250 are to be provided in connection with the sale of a manufactured home and they are not specified on the data plate for the home, the retailer must describe them in the retail installment contract, purchase memorandum, or other sale document in sufficient detail to enable a third party to provide them under the responsibility of the retailer's surety bond should the retailer fail to provide them as agreed.

(k) A retailer accepting a deposit must give the consumer a written statement setting forth:

- (1) the amount of such deposit;
- (2) a statement of any requirements to obtain or limitations on any such refund; and
- (3) the name and business address of the person receiving such deposit.

(l) A retailer may not represent to a consumer that is purchasing a manufactured home with interim financing that the consumer will qualify for permanent financing if the retailer has any reason to believe that the consumer will not qualify for such permanent financing.

(m) A retailer may not increase the advertised price at which a manufactured home is to be sold based on the consumer's decision to make the purchase with or without financing provided by or arranged through the retailer.

(n) Notwithstanding the date of sale, transfer, or ownership change or the date of installation on the application for a Statement

of Ownership, a retailer may not request or accept any document that is executed in blank or allow any alteration to a completed document without the consumer's initialing and dating such changes to indicate agreement to them. Where information is not available, a statement of that fact (e.g., TBD - to be determined, not available, N/A, not applicable, or the like) may be entered in the blank. A consumer must be provided with copies of all documents they execute.

(o) A retailer may not knowingly accept or issue any check or other form of payment appearing on its face to be a *bona fide* payment but known not to represent good funds.

(p) In order to comply with the provisions of §1201.107(d) of the Standards Act, a retailer or broker must:

(1) have a current, in effect surety bond issued in the most recent form promulgated by the Department; and

(2) the applicable sales agreement must identify the surety bond that applies to the transaction and contain the following statement: "The above-described surety bond applies to this transaction in the following manner: The bond is issued to the Texas Manufactured Homeowner Consumer Claims Program (the "Claims Program"), the Claims Program described in the Texas Manufactured Housing Standards Act (Tex. Occ. Code, Chapter 1201) and administered by the Department. If the Claims Program makes a payment to a consumer, the Claims Program will seek to recover under the surety bond. The obligation of the Claims Program to compensate a consumer for damages subject to reimbursement by the Claims Program is independent of the Claims Program's right or ability to recover from the above-described surety bond, but recoveries on surety bonds are an important part of the Claims Program's ability to maintain sufficient assets to compensate consumers. There can be no assurance that the Claims Program will have sufficient assets to compensate a consumer for a covered claim. Assuming it has sufficient assets to compensate a consumer for a covered claim, the liability of the Claims Program is limited to actual damages, not to exceed \$35,000."

(q) A retailer shall maintain on a current basis a separate file for each salesperson sponsored by that retailer reflecting:

- (1) that they are licensed in accordance with the Standards Act;
- (2) the date of the initial licensing class that they attended and a copy of their certificate of completion;
- (3) evidence of the successful completion of any required continuing education classes that they attended; and
- (4) a copy of any written notice to the Department that sponsorship was terminated and the effective date thereof.

(r) At each licensed location a retailer shall display their current license for that location and the current license of each salesperson who works from that location.

(s) At each licensed location a retailer shall conspicuously display the Consumer Protection Information sign as set forth on the Department's website.

(t) Auction of Manufactured Housing to Texas Consumers.

(1) A person selling more than one home to one or more consumers through an auction in a twelve (12) month period must be licensed as a retailer, each individual acting as their agent must be licensed as a salesperson, and each specific location at which an auction is held must be licensed and bonded in accordance with the Standards Act.

(2) Acting as an auctioneer may be subject to the Texas Auctioneer Act, Occupations Code, Chapter 1802.

(3) The retailer must notify this Department in writing at least thirty (30) calendar days prior to the auction with such notice to contain the date, time, and physical address and location of a proposed auction or, if they recur on a scheduled basis, of the schedule.

(u) A person may exercise their right of rescission of contract for sale or exchange of home pursuant to §1201.1521 of the Standards Act within three (3) business days without penalty or charge.

(v) The written warranty that the used manufactured home is habitable as per §1201.455 of the Standards Act, shall have been timely delivered if given to the homeowner at or prior to possession or at the time the applicable sales agreement is signed.

(w) The written manufacturer's new home construction warranty per §1201.351 of the Standards Act, shall be timely delivered if given to the homeowner at or prior to the time of initial installation at the consumer's home site.

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 November 10, 2025.

TRD-202504095

Jim R. Hicks

Executive Director

Texas Department of Housing and Community Affairs

Effective date: December 21, 2025

Proposal publication date: October 3, 2025

For further information, please call: (512) 475-2206



TITLE 16. ECONOMIC REGULATION

PART 2. PUBLIC UTILITY COMMISSION OF TEXAS

CHAPTER 25. SUBSTANTIVE RULES APPLICABLE TO ELECTRIC SERVICE PROVIDERS

SUBCHAPTER S. WHOLESALE MARKETS

16 TAC §25.504

The Public Utility Commission of Texas (commission) adopts an amendment to §25.504, relating to Wholesale Market Power in the Electric Reliability Council of Texas Power Region with no changes to the proposed text as published in the September 5, 2025 issue of the *Texas Register* (50 TexReg 5858). The amendment will not be republished. The amendment removes the exemption that currently prevents a generation entity controlling less than 5% of ERCOT's total installed capacity from being considered to have market power. This exemption is commonly referred to as the "small fish rule" and generation entities that qualify for the exemption as "small fish." The removal of this exemption will go into effect on June 1, 2026. This amendment is adopted under Project Number 58379.

The commission received comments on the proposed amendment from Advanced Power Alliance (APA) and American Clean Power Association (ACP) (APA + ACP), Electric Reliability Council of Texas, Inc. (ERCOT), Gridmatic Equisetum LLC (Gridmatic), Hunt Energy Network, L.L.C. (HEN), Jupiter Power LLC (Jupiter Power), Lone Star Energy Storage Alliance (LESA), Lower Colorado River Authority (LCRA), Potomac Economics (Independent Market Monitor, or IMM), Solar Energy Industries Association (SEIA), Tesla, Inc. (Tesla), Texas Electric Cooperatives, Inc (TEC), Texas Industrial Energy Consumers (TIEC), Texas Public Power Association (TPPA), and Texas Solar + Storage Association (TSSA).

The commission received a hearing request from TPPA. Specifically, TPPA recommended that the commission request the IMM produce an analysis of any inefficient pricing caused by the small fish rule, including actual dollar impacts. Additionally, unless the IMM provides analysis as part of their comments in this project, TPPA requested a public hearing "so that the IMM is able to produce that analysis to all interested stakeholders." Accordingly, in its filed comments, the IMM did provide an analysis that, among other things, identified output gaps and price spreads that exceeded competitive levels. The IMM concluded that this data demonstrated that "suppliers frequently withheld capacity at uncompetitive prices" and "underscores the potential market impact of exempting small fish from mitigation." On 10/31/2025, TPPA withdrew its rehearing request. In withdrawing its request, TPPA noted that it still supported the continuation of the small fish rule, "both for specific market segments (including batteries that need to maintain a state of charge requirement and dispatchable generation resources that need to comply with emissions permitting requirements) as well as new market entrants." TPPA also indicated that it believed "the market structure itself provides adequate offer discipline for small market participants."

APA + ACP, Gridmatic, HEN, Jupiter Power, LESA, SEIA, TEC, Tesla, TPPA, and TSSA opposed the elimination of the small rule as proposed and, accordingly, opposed the adoption of the proposed rule amendments. IMM, LCRA, and TIEC supported the elimination of the small fish rule. ERCOT did not have a position on the elimination of the small fish rule. The specific reasons for each commenters support or opposition for the proposed amendments are detailed below.

Comments on the proposed amendments

Higher offers from energy storage resources (ESRs) may appear as market power abuse.

Jupiter Power, APA + ACP, Gridmatic, Tesla, TSSA, LESA, and SEIA opposed the elimination of the small fish rule because higher offers from ESRs are commercially necessary and should not be mischaracterized at market power abuse. Opportunity cost is reflected in an ESR's offer and is highly variable, constantly changing, and difficult to predict because it depends on future scarcity pricing. It also includes the cost of managing state of charge. This may appear as an attempt to withhold supply or manipulate prices (i.e., market power abuse), however it is the only way ESRs can remain financially viable in ERCOT's energy-only market. It is imperative to differentiate between pricing behavior driven by scarcity and market manipulation. LESA and SEIA included redlines on this issue.

TEC noted that the IMM indicated small operators could, under specific market conditions, effectively exercise market power. However, TEC emphasized that under the vast majority of market conditions, small operators remain unable to effectively

exercise market power and should continue to be protected from charges of market power abuse. Accordingly, TEC recommended the commission consider a more targeted repeal of the small fish rule—limited to the particular conditions under which a small operator could exert market power—rather than eliminating the rule entirely.

Commission Response

The commission agrees with Jupiter Power, APA + ACP, Gridmatic, Tesla, TSSA, LESA, and SEIA that, on its face, higher offers from ESRs and other resources could be viewed as a signal of potential market power abuse. However, the commission declines to modify the proposed rule to preserve the exemption for ESRs as recommended by SEIA and LESA or otherwise preserve a limited scope exemption. Removing the small fish rule does not automatically assume ESRs are attempting to withhold supply or manipulate prices (i.e., engaging in market power abuse). Suppliers, regardless of size or technology, should be prohibited from engaging in market power abuse.

The commission acknowledges that different resource technologies may require different offering profiles for legitimate reasons, such as state of charge management. Offers from ESRs may be appear high relative to other offers due to their perceived opportunity cost and state of charge management. Additionally, the IMM acknowledged that ERCOT's primary mechanism to mitigate against market power in real time does not account for all market conditions. These factors are taken into consideration in how the IMM and the commission monitor for and evaluate potential instances of market power abuse. Hence, the removal of this rule does not inherently suggest that entities that control less than 5% of the installed generation capacity in ERCOT, including ESRs, and that submit high offers are engaging in market power abuse.

Delay rulemaking or implementation after Real-Time Co-optimization plus Batteries (RTC+B).

Jupiter Power, SEIA, APA + ACP, LESA, and Tesla recommended that the commission delay rulemaking until after implementation of RTC+B and after the commission has sufficient operational data to evaluate whether there is a need for the repeal or revision of the small fish rule.

LCRA recommended to delay implementation of the rule amendment until "the stabilization of RTC can support improved market monitoring and mitigation." Jupiter Power suggested the evaluation of the effectiveness of the ancillary service demand curves (ASDCs) in reflecting shortage pricing and after decisions on treatment of opportunity cost for storage in the context of offer mitigation to inform rulemaking. Additionally, ERCOT stakeholders are currently in the process of considering Nodal Protocol Revision Request (NPRR) 1255, Introduction of Mitigation of ESRs, which would introduce a "just - in- time" mitigation framework to apply to ESRs, which address concerns related to the exercise of local market power by ESRs.

Commission Response

The commission disagrees with Jupiter Power, SEIA, APA + ACP, LESA, and Tesla that this rulemaking should be delayed until impacts of RTC+B are analyzed. There is no direct relationship between the removal of the small fish rule and the implementation of RTC+B as the two are conceptually different market design tools. RTC+B is intended to provide more flexibility in real time to efficiently procure energy and ancillary services and improve reliability, whereas the removal

of the small fish rule is intended to ensure competitive market behavior amongst all suppliers, regardless of size or technology. Therefore, delaying the elimination of the small fish rule is not necessary. However, the commission agrees with LCRA and sets the effective date to June 1, 2026, to allow stakeholders sufficient time to adjust to RTC+B.

Interpretation and intent of small fish rule.

SEIA, LESA, APA + ACP, and Tesla opposed the removal of the small fish rule due to the interpretation and original intent of the rule.

SEIA and LESA argued that the basis for the rule remains valid. SEIA and LESA cited the preamble to the commission's adoption order in Project No. 31972 and clarified that the small fish rule "is not a free pass for entities to abuse the market in whatever way they wish" and that "that an entity with less than 5% of the installed generation capacity in ERCOT will be unable to control prices on an ERCOT-wide basis."

APA + ACP and Tesla argued that the rule was originally established to encourage participation by smaller generation resource owners who lacked the scale to influence ERCOT-wide market power. They emphasized that this exemption has played a key role in fostering market diversity, innovation, and resilience by enabling smaller entities to compete without excessive regulatory burden. APA + ACP and Tesla cautioned that eliminating this rule could disproportionately impact resources that enhance grid flexibility and reliability, potentially deterring new market entrants and imposing compliance costs that outweigh any anticipated market benefits.

On the other hand, TIEC asserted that this rule is no longer necessary, citing major market design changes, such as the implementation of the Operating Reserve Demand Curve (ORDC). The IMM noted that market power is situational rather than structural, and emphasized that generation entities controlling less than 5% of ERCOT's installed generation capacity "can have market power, exercise it through uncompetitive offers, and impact prices." Similarly, LCRA argued that "competitive offers, particularly from pivotal suppliers during tight system conditions, are essential for the long-term health and performance of wholesale electricity markets." The IMM also included in its filed comments an analysis of output gaps and price spreads, indicating that these suppliers frequently withheld capacity at uncompetitive prices in 2023 and 2024.

Commission Response

The commission agrees with the IMM, LCRA, and TIEC that recent market design changes, combined with evidence of economic withholding, have eliminated the need for this rule.

The commission disagrees with SEIA, LESA, APA + ACP, and Tesla that the original basis for the small fish rule still provides adequate justification for retaining it. The small fish rule was adopted before ERCOT had a shortage pricing mechanism under the ORDC and intended generation resource owners with less than 5% of the capacity installed in ERCOT market to submit offers significantly above the marginal cost of production to produce high prices in shortage conditions. The commission agrees with TIEC that the ORDC and ASDCs under RTC have made this rule unnecessary given shortage pricing now raises prices automatically based on reserve scarcity. Additionally, the IMM has observed economic withholding by small participants (as noted in the 2024 State of the Market Report and in its filed comments), providing an evidentiary basis for monitoring for potential market

power abuse. Finally, the commission agrees with LCRA that competitive offers from pivotal suppliers, including small fish, are necessary for the health of the competitive market. The removal of the small fish rule is intended to promote competitive market behavior amongst all suppliers, regardless of size or technology.

Relevance of Voluntary Mitigation Plans (VMPs).

SEIA and LESA noted that existing subsection (c) is not a prohibition for potential enforcement actions against a generator that controls less than 5% market share in the ERCOT region and cited, as an example, the commission approving a VMP for IPR-GDF Suez even though it fell below the 5% threshold.

TPPA noted that entities with more than 5% of installed capacity (not covered by the small fish rule) have frequently sought protection against allegations of market power, using VMPs negotiated with commission staff and the IMM. The small fish rule has helped reduce the administrative burden on the commission, which otherwise would face as the commission would face dozens, if not hundreds, of requests for VMPs without the Small Fish rule.

Commission Response

The commission disagrees with SEIA, LESA, and TPPA in their opposition to the removal of the small fish rule based on concerns about VMPs. The VMP for IPR-GDF Suez sought protection against charges of abuse of local market power, not system-wide market power. Hence, the historical examples of small fish seeking, and the commission approving, VMPs to protect against accusations of local market power abuse has no bearing on whether the commission should re-evaluate whether small fish are also capable of exercising system-wide market power in certain circumstances.

Further, the commission does not share TPPA's concerns over a proliferation of VMP requests if the small fish rule is eliminated. Previously, the small fish rule provided the same level of protection for a supplier as a VMP, making a VMP unnecessary. However, after the legislature adopted changes to PURA § 15.023(f) in 2023, actions taken under a VMP no longer offer absolute protection. As a result, transitioning from the small fish rule to a VMP does not restore the same level of defense for small entities, making it less likely that this will be considered as an essential protection. Further, as noted by commenters, small fish have already had the ability to seek out VMPs to address concerns over local market power abuse investigations, and few have elected to do so. Finally, the commission does not view the volume of VMP submissions as a justification for retaining the small fish rule. An entity can seek to enter into a VMP as long as it complies with the requirements outlined in proposed subsection (d).

Lack of evidence of market power abuse.

APA + ACP, Tesla, TSSA, and TPPA opposed the removal of small fish rule due to the lack of sufficient evidence of market power abuse.

APA + ACP noted that ERCOT's Real-Time market often operates with physical reserve margins exceeding 10-20% of systemwide demand. ERCOT's consistently high reserve margins exceed the 5% installed capacity threshold used to define a "small fish", demonstrating that small generators have even less ability to exercise market power than when the rule was originally adopted. TPPA also argued that small generators lack the ability to meaningfully influence market-wide prices, which the commission had previously acknowledged.

Tesla claimed that the risks posed by entities controlling less than 5% of ERCOT's installed capacity have not been quantified in a way that enables meaningful comparison to the substantial impact a repeal would have on energy storage resource participation. Tesla also stated that there is no evidence indicating that small entities are causing harm to the market. In addition, TSSA claimed that the current risk of market power abuse outweighs potential burdens from policy changes.

TPPA further noted that the IMM has not provided an assessment of inefficiencies that the small fish rule introduced by the small fish rule. TPPA requested the commission to hold a public hearing on the rule to ensure the IMM presents its findings to all interested stakeholders if analysis is not included in the IMM's comments on this Proposal for Publication.

By contrast, IMM, LCRA, and TIEC supported the elimination of the small fish rule for reasons previously outlined above.

Commission Response

The commission agrees with the IMM, LCRA, and TIEC that recent market design changes, combined with evidence of economic withholding, provide adequate justification to support the elimination of the small fish rule. The commission disagrees with APA + ACP, Tesla, TSSA, and TPPA that the lack of evidence of significant market power abuse by small fish supports retaining the exemption. In its comments, the IMM presented data demonstrating evidence of economic withholding by small fish and explained that market power is situational rather than purely structural. Therefore, any supplier—including small fish—may possess market power, potentially exercise it through non-competitive pricing, and influence market prices during tight conditions or when the market ramp is constrained. It is prudent for the commission to revise this rule to better protect against these outcomes before system-wide market manipulation by small fish occurs, especially since this revision merely subjects small fish to the same scrutiny as other market participants.

Recognition of IMM mitigation approach if the small fish rule is removed.

Jupiter Power and HEN recommended the commission to memorialize in writing IMM's three-step approach for real-time mitigation or other factors that drive the determination of market power if the small fish rule is removed. Jupiter Power specifically requested that the "circumstances of ESRs managing their state of charge (especially those exacerbated by ERCOT's state of charge requirements) are acknowledged in the determination of market power process."

Commission Response

The commission declines to modify the rule to specify the methods that the IMM will use to investigate and measure market power abuse with regards to specific technologies, or otherwise, at this time. The IMM serves a role specifically contemplated by PURA § 39.1515, which also recognizes the distinction between the policymaking and enforcement roles of the commission and the "monitoring, analysis, and reporting" responsibilities of the monitor. Subject to commission oversight, the IMM is the appropriate entity to identify suitable methods of evaluating potential market power abuse. In this instance, the IMM has already acknowledged the difficulties surrounding evaluating uncompetitive behavior with regards to certain technologies at the August 21, 2025 open meeting. If there are additional issues not yet considered, the commission expects the IMM to take these into consideration- as it deems appropriate - when investigating po-

tential market power abuse. And, if it does not, commission enforcement discretion serves as a necessary backstop to alleviate commenter concerns.

Additionally, the commission declines to codify the three-step approach. This is a recent recommendation from the IMM's 2024 State of the Market Report that has not been fully evaluated by the commission, and it is also beyond the noticed scope of this rulemaking.

Amending existing §25.504(d) to account for marginal cost of an energy storage resource. Existing §25.504(d) outlines what does and does not constitute withholding of production by a generation entity with market power.

HEN expressed concern with the proposed elimination of the small fish rule and recommended the commission to consider amending the proposed subsection (c) (existing subsection (d)) to reflect that a duration limited resource must offer significantly above its "marginal" cost (which is difficult to define for a duration limited resource such as energy storage) to manage its state of charge. HEN included redlines on this issue.

TSSA also noted that proposed subsection (c) (existing subsection (d)) introduces significant uncertainty and regulatory risk as there is no clearly established way to determine the marginal cost of an energy storage resource, and as a result, these resources could be exposed to unwarranted allegations and subject to inappropriate penalties.

Commission Response

The commission declines to revise proposed subsection (c), as no entity—including ESRs or other duration-limited resources—is exempt from engaging in market power abuse, including engaging in economic or physical withholding. Additionally, the IMM has publicly recognized the distinct operational characteristics of ESRs, such as their use of perceived opportunity cost rather than marginal cost in offer strategies. These considerations are factored into the IMM's investigative framework when assessing potentially uncompetitive market behavior. Further, commission staff may consider this when evaluating whether to pursue an enforcement action, and the commission may also take it into account when determining whether an entity engaged in uncompetitive market behavior and whether to assess a penalty.

Implementing multi-interval real-time market

TSSA recommended the commission retain the small fish rule and direct ERCOT to implement a multi-interval commitment process, as recommended by the IMM in its 2022 State of the Market report.

Commission Response

The commission declines the recommendation of directing ERCOT to implement a multi-interval commitment process at this time because it is beyond the noticed scope of this rulemaking.

Deprioritizing administrative changes following elimination of Small Fish rule.

LCRA recommended that "low-urgency administrative changes to ERCOT systems be deprioritized in the absence of serious market power abuses by small suppliers." LCRA argued that removing the small fish rule may necessitate updates to ERCOT's systems, specifically in how decision-making entity level evaluations are handled within the Competitive Constraint Test. Similar modifications may also be required for the automated systems used by market participants currently benefiting from exemptions

under the small fish rule. LCRA claimed that it is highly likely that ERCOT staff and external vendors needed to implement these changes are also engaged in other major initiatives--such as real-time co-optimization (RTC), Dispatchable Reliability Reserve Service (DRRS), firm fuel supply service (FFSS) enhancements, the firming program mandated by PURA § 39.1592, and the rollout of legislation from the 89th legislative session.

Commission Response

The commission agrees with LCRA's recommendation that removing the small fish rule may require ERCOT staff and external vendors to implement ERCOT system changes in addition to implementing other major initiatives such as RTC, DRRS, and FFSS enhancements. However, repealing the rule neither requires the immediate upgrade of systems used to evaluate economic withholding by small fish nor mandates immediate enforcement. The commission and commission staff retain discretion to determine the appropriate timing for initiating enforcement actions and pursuing administrative penalties related to allegations of market power abuse by small fish.

Additionally, to provide more time for stakeholders to adapt to the new rule, the commission delays the effective date of the repeal to June 1, 2026.

Market power considerations for hydroelectric facilities.

LCRA noted unique operational requirements for its hydroelectric facilities and that "hydroelectric generation resources may need to offer energy at the system wide offer cap to avoid or delay security constrained economic dispatch in order to remain compliant with an approved water management plan and to maintain readiness to respond in the event of an ERCOT emergency."

LCRA recommended the commission to "continue to support and recognize these unique operational constraints in the development of any new market power frameworks seeking to mitigate non-competitive offers."

Commission Response

The commission acknowledges the need for certain generation resource technologies to employ unique offer strategies reflective of other unique circumstances. The commission also acknowledges that when hydroelectric facilities are not passing water downstream according to an output schedule or are not providing Ancillary Services, they are typically placed in the "ONEMR" status. This status allows them to avoid security constrained economic dispatch and comply with their water management plan. "ONEMR" units are only eligible for dispatch during ERCOT-declared emergency conditions, at which point they may be dispatched and typically submit offers at the cap to remain in compliance with their water management obligations. Hydroelectric facilities will be able to continue this practice as the removal of the small fish rule would have no impact on their operations.

All comments, including any not specifically referenced herein, were fully considered by the commission.

This amendment is adopted under the Public Utility Regulatory Act (PURA), Texas Utilities Code Annotated §14.001, which grants the commission the general power to regulate and supervise the business of each public utility within its jurisdiction and to do anything specifically designated or implied by this title that is necessary and convenient to the exercise of that power and jurisdiction; §14.002, which provides the commission with the authority to make and enforce rules reasonably required in the

exercise of its powers and jurisdiction; and §39.157, which authorizes the commission to monitor and address market power associated with the generation, transmission, distribution, and sale of electricity in this state.

Cross Reference to Statutes: Public Utility Regulatory Acts §§ 14.001; 14.002; and 39.157

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 November 6, 2025.

TRD-202504014

Andrea Gonzalez

Rules Coordinator

Public Utility Commission of Texas

Effective date: November 26, 2025

Proposal publication date: September 5, 2025

For further information, please call: (512) 936-7244



PART 4. TEXAS DEPARTMENT OF LICENSING AND REGULATION

CHAPTER 60. PROCEDURAL RULES OF THE COMMISSION AND THE DEPARTMENT SUBCHAPTER K. LICENSING PROVISIONS RELATED TO MILITARY SERVICE MEMBERS, MILITARY VETERANS, AND MILITARY SPOUSES

The Texas Commission of Licensing and Regulation (Commission) adopts amendments to existing rules at 16 Texas Administrative Code (TAC), Chapter 60, Subchapter K, §§60.501, 60.502, 60.504, 60.510, 60.514, and 60.516; adopts the repeal of existing rules at Subchapter K, §§60.503, 60.512, 60.518, and 60.519; and adopts new rules at Subchapter K, §§60.512, 60.517, 60.518, and 60.520, regarding the Procedural Rules of the Commission and the Department, without changes to the proposed text as published in the September 26, 2025, issue of the *Texas Register* (50 TexReg 6273). These rules will not be republished.

EXPLANATION OF AND JUSTIFICATION FOR THE RULES

The rules under 16 TAC, Chapter 60, Subchapter K, implement Texas Occupations Code, Chapter 51, General Provisions Related to Licensing; Chapter 55, Licensing of Military Service Members, Military Veterans, and Military Spouses; and the license portability provisions of the federal Servicemembers' Civil Relief Act found at 50 U.S.C. §4025a.

The adopted rules are necessary to implement House Bill (HB) 5629 and Senate Bill (SB) 1818 (89th Legislature, Regular Session (2025)), which amend state law regarding occupational licensing and recognition of out-of-state occupational licenses for military service members, military veterans, and military spouses. The adopted rules primarily: (1) align the Department's procedures with the standards and requirements set out in HB 5629 for the issuance of occupational licenses and

recognition of out-of-state occupational licenses; (2) pursuant to SB 1818, authorize the issuance of provisional licenses to applicants for licensure or license recognition; and (3) reorganize, clarify, and correct existing rule language to be more reader-friendly.

SECTION-BY-SECTION SUMMARY

The adopted rules amend §60.501, Military Definitions, to remove redundant or unnecessary language to clarify definitions. Most notably, the changes to this section simplify the definition of "active duty."

The adopted rules amend §60.502, Determining the Amount of Military Experience, Service, Training, or Education, to remove an errant comma.

The adopted rules amend §60.504, Extension of Certain Deadlines, to comply with current state law. The changes make it clear that all military service members are allowed two additional years to complete continuing education or other requirements.

The adopted rules amend §60.510, License Requirements for Applicants with Military Experience, Service, Training, or Education by: (1) clarifying application requirements for prospective applicants; (2) removing rule language repealed by HB 5629 and subsequently moved to new §60.520; and (3) rewording certain provisions to be more reader-friendly.

The adopted rules add new §60.512, Expedited Alternative Licensing Requirements--Similar Scope of Practice, which, consistent with HB 5629, allows military service members, military veterans, and military spouses to obtain a Texas occupational license if they currently possess a license, issued by another state, that has a similar scope of practice to a license issued by the Department. These changes remove the standard of "substantial equivalence" enshrined in the current rules. The adopted changes to this section also clarify the process by which out-of-state licensed military affiliated applicants will apply for a Texas license and clarify the Department's authority to deny licensure to applicants with a disqualifying criminal history. The adopted rules also repeal the previous version of this section.

The adopted rules amend §60.514, Expedited Alternative Licensing Requirements--Previously Held Texas License, by: (1) rewording and reorganizing the section to make it more reader-friendly; (2) restating the documentation requirements for an application; (3) adding a requirement for a military spouse applicant to provide documentation of the spouse's active duty status; (4) clarifying the department's authority to deny licensure to applicants with a disqualifying criminal history; and (5) repealing subsection (f) (fees), which is no longer supported by law.

The adopted rules amend §60.516, Expedited Alternative Licensing Requirements--Demonstration of Competency by Alternative Methods, by: (1) rewording and reorganizing the section to make it more reader-friendly; (2) restating the documentation requirements for an application; (3) adding a requirement for a military spouse applicant to provide documentation of the spouse's active duty status; (4) clarifying the Department's authority to deny licensure to applicants with a disqualifying criminal history; (5) repealing subsection (f) (fees), which is no longer supported by law; and (6) repealing the unnecessary subsection (i).

The adopted rules add new §60.517, Provisional Licenses. This section implements SB 1818 and authorizes the Department to issue a provisional (temporary) license to an applicant upon filing until the Department completes the processing of an application

for a Texas license or recognition of the applicant's out-of-state license.

The adopted rules add new §60.518, Recognition of Out-of-State License of Military Service Members and Military Spouses, which describes the out-of-state license recognition process related to a regulated business or occupation for eligible military service members and their spouses. The adopted rule: (1) pursuant to HB 5629, states the criteria for the Department to recognize an out-of-state occupational license held by a military service member or military spouse; (2) describes the specific prerequisites and procedure by which the Department will grant recognition of out-of-state occupational licenses; (3) requires applicants to pass a criminal background check; (4) states the Department's authority to deny recognition to an applicant with a disqualifying criminal history; and (5) states that the Department must notify an applicant of the disposition of their application within 10 business days. The adopted rules repeal the previous version of this section.

The adopted rules add new §60.520, Fees, which was derived, in part, from previously repealed §60.503, Exemption from Late Renewal Fees. This new rule: (1) waives the initial application and examination fees owed by a military affiliated applicant except those examination fees owed to a third-party vendor; and (2) exempts a military affiliated applicant from payment of late renewal fees during active-duty periods.

The adopted rules repeal §60.503, Exemption from Late Renewal Fees.

The adopted rules repeal §60.512, Expedited Alternative Licensing Requirements--Substantially Equivalent License.

The adopted rules repeal §60.518, Recognition of Out-of-State License of Military Service Members and Military Spouses.

The adopted rules repeal §60.519, License Eligibility--Establishing License Residency Requirement for Out-of-State Military Service Members and Military Spouses.

PUBLIC COMMENTS

The Department drafted and distributed the proposed rules to persons internal and external to the agency. The proposed rules were published in the September 26, 2025, issue of the *Texas Register* (50 TexReg 6273). The public comment period closed on October 27, 2025. The Department received comments from 12 interested parties in response to the required summary of the proposed rules, which was posted on the Department's website and distributed on September 15, 2025, the same day that the proposed rules were filed with the *Texas Register*, but before the official publication of the proposed rules and the official start of the public comment period. The Department did not receive any comments from interested parties on the published proposed rules during the official public comment period. The public comments are summarized below.

Comments in Response to the Posted Summary

Comment: The Department received six comments in support of the proposed rules in this rulemaking.

Department Response: The Department appreciates the comments made in support of the proposed rules in this rulemaking. The Department made no changes to the proposed rules as a result of these comments.

Comment: One commenter opposed the proposed rules and contended that preferential treatment for military affiliated ap-

plicants perpetuate existing problems in regulated industries by allowing ill-prepared licensees into the marketplace. Such practices, the commenter noted, hurt Texas consumers.

Department Response: The Department disagrees with this comment and notes that HB 5629 and SB 1818 simply reduce barriers to entry for military affiliated applicants who face unique obstacles due to the complications and rigors associated with military service. Most applicants do not face the same situations faced by military applicants and their families. Moreover, there is no empirical evidence to support the commenter's view that military applicants are not sufficiently trained or capable to engage in the regulated businesses or occupations to which they have applied. The Department rigorously examines each application received from an applicant prior to granting a license or registration. The Department made no changes to the proposed rules as a result of this comment.

Comment: One commenter inquired about the effective date of the proposed changes.

Department Response: The Department appreciates the comment and notes that the effective date of SB 1818 and HB 5629 is September 1, 2025. The effective date of the proposed rules is targeted for December 1, 2025. The Department made no changes to the proposed rules as a result of this comment.

Comment: One commenter requested information regarding assistance for disabled individuals in taking written examinations that are associated with some licensed professions.

Department Response: The Department appreciates the comment and states that this subject was not contemplated as part of this rulemaking and, thus, beyond the scope of this project at this time. The comment, however, will be referred to the appropriate division within the Department for consideration and possible contact with the commenter for assistance. The Department made no changes to the proposed rules as a result of this comment.

Comment: One commenter asked if, as a veteran spouse, one would be required to pay fees.

Department Response: The Department appreciates the comment and notes that the proposed rules apply to military service members, military veterans, and military spouses. Neither HB 5629, SB1818, nor the proposed rules address the spouses of military veterans. Therefore, pursuant to the proposed rules, spouses of a military veteran must continue to pay the required fee for any application. The Department made no changes to the proposed rules as a result of this comment.

Comment: One interested party commenting on the reduction of processing time for applications from military-affiliated applicants from 30 days to 10 business days submitted a multi-part comment which included a request for: (1) the average number applications received during a 10-day period; (2) the average number of applications that could be handled by staff in a given day; and (3) if the staff would be increased to handle an anticipated increased workload possibly imposed by the proposed rules.

Department Response: The Department appreciates the comment received and notes that these concerns have been contemplated and have been taken into account during this rulemaking. In order to address the specific questions raised by the commenter, this comment has been referred to the appropriate division within the Department. The commenter is free to submit a Public Information Act request on the agency's website to re-

ceive specific data regarding the questions posed about application processing capabilities. The Department made no changes to the proposed rules as a result of this comment.

Comment: One interested party submitted a multi-part comment stating: (1) agreement that out-of-state active military service members should be exempted from fees and apprenticeship hours based upon their learned experience but questioned whether they would have sufficient knowledge regarding state occupational and trade practices as well as electrical and fire codes. The commenter stated such applicants should be examined on state-specific practices associated with each trade; and (2) disagreed with the 10-business day application processing period for military affiliated applicants.

Department Response: The Department appreciates the comment. The proposed rules provide for extensive Department examination of a military affiliated applicant's verified military service, training, or education when assessing the competency of the individual's skill level and knowledge in a specific regulated profession, as required by Texas Occupations Code §§55.007 and 55.008. The Department is aware that the utmost scrutiny is paramount in determining if an individual is eligible for licensure in this state and exercises care with such determinations. Regarding the 10-day application processing period, the Texas Legislature in HB 5629 mandated the reduced processing time in Texas Occupations Code §55.005. The Department is bound to abide by state law changes, and the proposed rules reflect the same. The Department made no changes to the proposed rules as a result of this comment.

COMMISSION ACTION

At its meeting on October 28, 2025, the Commission adopted the proposed rules as published in the *Texas Register*.

16 TAC §§60.501, 60.502, 60.504, 60.510, 60.512, 60.514, 60.516 - 60.518, 60.520

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapters 51 and 55, which authorize the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51 and the Federal Servicemembers Civil Relief Act at 50 U.S.C. §4025a, and the program statutes for all of the Department programs: Agriculture Code, Chapter 301 (Weather Modification and Control); Education Code, Chapter 1001 (Driver and Traffic Safety Education); Government Code, Chapters 171 (Court-Ordered Programs); and 469 (Elimination of Architectural Barriers); Health and Safety Code, Chapters 401, Subchapter M (Laser Hair Removal); 466 (State Lottery); 754 (Elevators, Escalators, and Related Equipment); and 755 (Boilers); Labor Code, Chapter 91 (Professional Employer Organizations); Occupations Code, Chapters 202 (Podiatrists); 203 (Midwives); 401 (Speech-Language Pathologists and Audiologists); 402 (Hearing Instrument Fitters and Dispensers); 403 (Dyslexia Practitioners and Therapists); 451 (Athletic Trainers); 455 (Massage Therapy); 506 (Behavioral Analysts); 605 (Orthotists and Prosthetists); 701 (Dietitians); 802 (Dog or Cat Breeders); 1151 (Property Tax Professionals); 1152 (Property Tax Consultants); 1202 (Industrialized Housing and Buildings); 1302 (Air Conditioning and Refrigeration Contractors); 1304

(Service Contract Providers and Administrators); 1305 (Electricians); 1603 (Barbers and Cosmetologists); 1802 (Auctioneers); 1806 (Residential Solar Retailers); 1901 (Water Well Drillers); 1902 (Water Well Pump Installers); 1952 (Code Enforcement Officers); 1953 (Sanitarians); 1958 (Mold Assessors and Remediators); 2001 (Charitable Bingo); 2052 (Combative Sports); 2303 (Vehicle Storage Facilities); 2308 (Vehicle Towing and Boating); 2309 (Used Automotive Parts Recyclers); 2310 (Motor Fuel Metering and Quality); 2311 (Electric Vehicle Charging Stations); and 2402 (Transportation Network Companies); and Transportation Code, Chapters 551A (Off-Highway Vehicle Training and Safety); and 662 (Motorcycle Operator Training and Safety). No other statutes, articles, or codes are affected by the adopted rules.

The legislation that enacted the statutory authority under which the adopted rules are proposed to be adopted is Senate Bill 1818 and House Bill 5629, 89th Legislature, Regular Session (2025).

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

Filed with the Office of the Secretary of State on November 10, 2025.

TRD-202504080

Doug Jennings

General Counsel

Texas Department of Licensing and Regulation

Effective date: December 1, 2025

Proposal publication date: September 26, 2025

For further information, please call: (512) 475-4879



16 TAC §§60.503, 60.512, 60.518, 60.519

STATUTORY AUTHORITY

The adopted repeals are repealed under Texas Occupations Code, Chapters 51 and 55, which authorize the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department.

The statutory provisions affected by the adopted repeals are those set forth in Texas Occupations Code, Chapters 51 and the Federal Servicemembers Civil Relief Act at 50 U.S.C. §4025a, and the program statutes for all of the Department programs: Agriculture Code, Chapter 301 (Weather Modification and Control); Education Code, Chapter 1001 (Driver and Traffic Safety Education); Government Code, Chapters 171 (Court-Ordered Programs); and 469 (Elimination of Architectural Barriers); Health and Safety Code, Chapters 401, Subchapter M (Laser Hair Removal); 466 (State Lottery); 754 (Elevators, Escalators, and Related Equipment); and 755 (Boilers); Labor Code, Chapter 91 (Professional Employer Organizations); Occupations Code, Chapters 202 (Podiatrists); 203 (Midwives); 401 (Speech-Language Pathologists and Audiologists); 402 (Hearing Instrument Fitters and Dispensers); 403 (Dyslexia Practitioners and Therapists); 451 (Athletic Trainers); 455 (Massage Therapy); 506 (Behavioral Analysts); 605 (Orthotists and Prosthetists); 701 (Dietitians); 802 (Dog or Cat Breeders); 1151 (Property Tax Professionals); 1152 (Property Tax Consultants); 1202 (Industrialized Housing and Buildings);

1302 (Air Conditioning and Refrigeration Contractors); 1304 (Service Contract Providers and Administrators); 1305 (Electricians); 1603 (Barbers and Cosmetologists); 1802 (Auctioneers); 1806 (Residential Solar Retailers); 1901 (Water Well Drillers); 1902 (Water Well Pump Installers); 1952 (Code Enforcement Officers); 1953 (Sanitarians); 1958 (Mold Assessors and Remediators); 2001 (Charitable Bingo); 2052 (Combative Sports); 2303 (Vehicle Storage Facilities); 2308 (Vehicle Towing and Booting); 2309 (Used Automotive Parts Recyclers); 2310 (Motor Fuel Metering and Quality); 2311 (Electric Vehicle Charging Stations); and 2402 (Transportation Network Companies); and Transportation Code, Chapters 551A (Off-Highway Vehicle Training and Safety); and 662 (Motorcycle Operator Training and Safety). No other statutes, articles, or codes are affected by the adopted repeals.

The legislation that enacted the statutory authority under which the adopted repeals are proposed to be adopted is Senate Bill 1818 and House Bill 5629, 89th Legislature, Regular Session (2025).

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

Filed with the Office of the Secretary of State on November 10, 2025.

TRD-202504081

Doug Jennings

General Counsel

Texas Department of Licensing and Regulation

Effective date: December 1, 2025

Proposal publication date: September 26, 2025

For further information, please call: (512) 475-4879



CHAPTER 111. SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

The Texas Commission of Licensing and Regulation (Commission) adopts amendments to existing rules at 16 Texas Administrative Code (TAC), Chapter 111, Subchapter D, §111.30 and §111.35; Subchapter E, §§111.40 - 111.42, 111.45, and 111.47; Subchapter F, §§111.51, 111.52, and 111.55; Subchapter H, §111.70; Subchapter I, §§111.80 - 111.82, 111.85, and 111.87; Subchapter J, §§111.90 - 111.92, and 111.95; Subchapter L, §111.115; Subchapter P, §111.150 and §111.154; and Subchapter Q, §111.160; adopts the repeal of existing rules at Subchapter C, §111.22; Subchapter F, §111.50; and Subchapter H, §111.75; and adopts new rules at Subchapter F, §111.50; and Subchapter H, §111.75, regarding the Speech-Language Pathologists and Audiologists program, without changes to the proposed text as published in the June 6, 2025, issue of the *Texas Register* (50 TexReg 3315). These rules will not be republished.

The Commission also adopts amendments to existing rules at 16 TAC Chapter 111, Subchapter A, §111.2, regarding the Speech-Language Pathologists and Audiologists program, with changes to the proposed text as published in the June 6, 2025, issue of the *Texas Register* (50 TexReg 3315). These rules will be republished.

EXPLANATION OF AND JUSTIFICATION FOR THE RULES

The rules under 16 TAC, Chapter 111, implement Texas Occupations Code, Chapter 401, Speech-Language Pathologists and Audiologists, and Chapter 51, the enabling statute of the Texas Commission of Licensing and Regulation (Commission) and the Department. Specific provisions within this rule chapter also implement the statutory requirements under Texas Occupations Code, Chapters 53, 108, 111, 112, 116, and 402, as applicable.

The adopted rules update requirements for all speech-language pathology and audiology license types, including changes relating to license application and eligibility, education and clinical work, internship and supervision, practice and duties, and license terms and renewals. The adopted rules are necessary to implement changes recommended by Department staff during the required four-year rule review and changes recommended by the Licensing Workgroup of the Speech Language Pathologist and Audiologist Advisory Board.

Four-Year Rule Review Changes

The adopted rules include changes as a result of the required four-year rule review conducted under Texas Government Code §2001.039. The Department conducted the required review of Chapter 111, and the Commission readopted the rule chapter in its entirety in its current form. (Proposed Rule Review, 45 TexReg 7281, October 9, 2020. Adopted Rule Review, 46 TexReg 2050, March 26, 2021).

In response to the published Notice of Intent to Review, the Department received multiple public comments from interested parties. Two of those comments related to the rules included in this rules package. (The other public comments have already been addressed in previous separate rulemakings.) One comment suggested adding a licensing exam for speech-language pathology assistants, and the other comment suggested that the requirements for speech-language pathologist assistants are excessive compared to the requirements for physical therapy assistants and certified occupational therapy assistants. The proposed rules do not include any changes made in response to these comments.

The proposed rules include recommendations made by the Department staff during the four-year rule review process to correct and update citations and cross-references, to improve accuracy, readability, and consistency of the rule text, and to implement substantive changes related to license application and eligibility, education and clinical work, internship and supervision, practice and duties, and license terms and renewals.

The proposed rules also include recommendations made by the Licensing Workgroup of the Speech Language Pathologist and Audiologist Advisory Board during the four-year rule review process that implement substantive changes related to license application and eligibility, education and clinical work, internship and supervision, practice and duties, and license terms and renewals.

SECTION-BY-SECTION SUMMARY

Subchapter A. General Provisions.

The adopted rules amend §111.2, Definitions. The adopted rules add definitions for "ABA Certification," "ASHA CCC," and "Assistant supervision plan"; amend the definition of "Intern in audiology" and amend the terminology for "Intern supervision plan"; repeal the definitions for "Extended absence" and "Supervisory Responsibility Statement (SRS) Form"; and renumber the terms in this section as needed. The adopted rules in this section are part of a larger effort in this rules package to replace the names

of the specific supervision forms with the general terms "intern supervision plan" and "assistant supervision plan." A technical correction was made to the proposed rules as published to add language incorrectly struck from the text of §111.2(21), an addition that is reflected in the adopted rules.

Subchapter C. Examinations

The adopted rules repeal §111.22, Waiver of Written Examination Requirement. The adopted rules repeal this separate rule regarding the waiver of the written examination requirement and the issuance of a license to an applicant who holds the American Speech-Language-Hearing Association (ASHA) Certificate of Clinical Competence (CCC) or the American Board of Audiology (ABA) Certification. The waiver of the written examination requirement is already addressed with the waiver of the clinical experience requirement in the existing rules for the Speech-Language Pathology license under §111.35 and for the Audiology license under §111.75. Those provisions have been updated in this rules package.

Subchapter D. Requirements for Speech Language Pathology License.

The adopted rules amend §111.30, Speech-Language Pathology License--Licensing Requirements. The adopted rules amend subsection (a) to comply with plain language principles. The adopted rules amend subsection (b)(1) to remove the requirement of original or certified copies of transcripts of the applicant's conferred master's degree; amend subsection (b)(4) to clarify that an applicant who possesses a master's degree in audiology may apply for a speech-language pathology license only if the degree is from a college or university which has a program accredited by a national accrediting organization that is approved by the department and recognized by the United States Secretary of Education; and amend subsections (b)(5) and (b)(6) to reduce form requirements and add clarifying language. The adopted rules amend subsection (c) to comply with plain language principles. The adopted rules amend subsection (d) by adding clarifying language and an additional option for applicants who have completed ASHA-approved clinical fellowship requirements; remove existing subsection (d)(1) and its requirement that individual applicants are licensed under §111.41 prior to the beginning of the internship; and relocate the existing subsection (d)(2) proof requirements for individuals who completed an internship in another state, to new §111.35(c). The adopted rules amend subsection (e) to comply with plain language principles.

The adopted rules amend §111.35, Speech-Language Pathology License--Application and Eligibility Requirements. The adopted rules update subsection (a) to require all information and documentation to be submitted in a form and manner prescribed by the Department, with original or certified copies submitted upon request. The adopted rules relocate the application requirements for persons who hold the ASHA CCC under subsection (d) to new subsection (b); expand the application requirements to include persons who have held the ASHA CCC in the past; provide that the ASHA CCC demonstrates that the applicant has met the education, experience, and written examination requirements; and update and clarify the necessary documentation to be submitted by applicants who hold or have held the ASHA CCC. The adopted rules amend relabeled subsection (c) (former subsection (b)) to update and clarify the necessary documentation for applicants who have never held the ASHA CCC. The adopted rules repeal former subsection (d), regarding persons holding the ASHA CCC and the waiver

of the clinical experience and examination requirements. The requirements under former subsection (d) have been updated and relocated to new subsection (b). The adopted rules update the cross-references in subsection (e).

Subchapter E. Requirements for Intern in Speech Language Pathology License.

The adopted rules amend §111.40, Intern in Speech-Language Pathology License--Licensing Requirements--Education and Clinical Work. The adopted rules amend subsection (b) to clarify programs in candidacy status are considered accredited; reduce the form requirements of subsection (b)(1) by repealing the requirement of original or certified copies of transcripts of the applicant's conferred master's degree; amend subsection (b)(4) to require an applicant program to be accredited by a national accrediting organization approved by the Department and recognized by the US Secretary of Education under the Higher Education Act of 1965 and remove language referencing repealed academic and clinical experience requirements; and amend subsections (b)(5) and (b)(6) by reducing form requirements and adding clarifying language. The adopted rules amend subsection (d) to specify that if coursework and clinical experience were earned more than ten years ago, then proof of current knowledge of speech-language pathology may include completing ten hours of CE in the last year, holding a current license in another state, or taking the written examination. The adopted rules amend subsection (e) to clarify that if an applicant whose degree was not officially conferred has completed all education and clinical requirements, then the applicant may be licensed as an intern if the degree was completed at a college or university accredited by the ASHA Council on Academic Accreditation. The adopted rules amend subsection (f) to clarify that a person who completes all education and clinical requirements at a foreign or unaccredited college or university must wait for the official conferment of a master's degree and to repeal automatic approval upon verification.

The adopted rules amend §111.41, Intern in Speech-Language Pathology License--Internship and Supervision Requirements. The adopted rules update subsection (c) by repealing the Intern Plan and Agreement of Supervision Form and requiring an intern to complete supervised professional experience under an intern supervision plan and submit the plan in a form and manner approved by the Department. The adopted rules update subsections (c)(1) through (c)(6) to clarify intern supervision requirements and to require all relevant information to be submitted in a form and manner approved by the Department. The adopted rules update subsection (d)(3) to clarify that professional experience of less than five hours per week must be completed under an approved supervisor but cannot be used to meet the 36-week minimum or be added to the 1,260-hour requirement. The adopted rules update subsection (d)(5) to repeal the option for Department approved alternative plans for dividing thirty-six clock hours of supervisory activities into three segments. The adopted rules amend subsection (e) to remove the internship extension request process and to provide that only hours earned under Texas-licensed supervisors count towards the 36 week, 1,260-hour minimums internship requirements. The adopted rules amend subsection (f) to increase the formal evaluation record retention requirement for both intern and supervisor from three to four years. The adopted rules update subsection (g)(1) to require supervisors to submit a report within 30 days in a prescribed format and follow Departmental guidelines that detail their supervision hours and weeks; update subsection (g)(2) to require supervisors

to determine if an intern's hours and weeks are acceptable, and if so, submit an affirmation of their acceptability in a form and manner approved by the Department; update subsection (g)(3) to provide the requirements for a written justification when a supervisor determines that the hours completed under the supervisor's supervision are not acceptable; update subsection (g)(4) to require that if no hours were earned, the intern or supervisor must submit a statement to the Department within 30 days of the end of supervision.

The adopted rules amend §111.42, Intern in Speech-Language Pathology License--Practice and Duties of Interns. The adopted rules amend subsection (a) to clarify a licensed intern must obtain supervised professional experience under a licensed speech-language pathologist approved by the Department. The adopted rules amend subsection (e) to add a requirement for an intern who passed the examination referenced in §111.21 and wishes to continue practicing after completing the internship specified in §111.41(d) to apply for a speech-language pathology license within 30 days of passing the examination. The adopted rules amend subsection (f) to authorize a licensed intern to continue practicing while awaiting the processing of their speech-language pathology license if the intern practices under their current supervisor's license and to reduce form requirements.

The adopted rules amend §111.45, Intern in Speech-Language Pathology License--Application and Eligibility Requirements. The adopted rules amend subsection (a) to clarify the form and manner in which an applicant must submit required information and documentation, with original or certified copies submitted upon request. The adopted rules amend subsection (b) by amending subsection (b)(2) to remove the requirement for a copy of a transcript to be an original or certified; replacing existing subsection (b)(4) with new subsection (b)(3) and clarifying the verification requirements when a graduate degree has not been conferred; relabeling existing subsection (b)(3) to become new subsection (b)(4) and revising its text to clarify the verification requirements for an applicant whose college or university is not accredited by ASHA; repealing the text of existing subsection (b)(4); amending subsection (b)(5) to remove the requirement that the evaluation form be an original and to add the requirement that the transcript evaluation service be approved by ASHA; and amending subsection (b)(6) to remove the form requirement.

The adopted rules amend §111.47, Intern in Speech-Language Pathology License--License Terms; Renewals. The adopted rules amend subsection (a) to clarify an intern license can be renewed annually up to three times; add new subsection (b) to provide the time period within which the internship must be completed and the examination must be passed; and relabel existing subsections (b) through (i) to become new subsections (c) through (j).

Subchapter F. Requirements for Assistant in Speech Language Pathology License.

The adopted rules repeal existing §111.50, Assistant in Speech-Language Pathology License--Licensing Requirements--Education and Clinical Observation and Experience. The provisions in this repealed rule have been updated and supplemented under new §111.50, Assistant in Speech-Language Pathology License--Licensing Requirements--Education and Clinical Observation and Experience.

The adopted rules add new §111.50, Assistant in Speech-Language Pathology License--Licensing Requirements--Education and Clinical Observation and Experience. This new rule includes provisions from existing §111.50, which is being repealed, and updates and supplements the current requirements and procedures for education and clinical observation and experience. The adopted rules add new subsection (a) to require a license to practice as an assistant in speech-language pathology; add new subsection (b) to provide the degree requirements for a license; add new subsection (c) to provide the course work requirements for a license; add new subsection (d) to provide the clinical observation and experience requirements for a license; add new subsection (e) to provide the requirements for an applicant who has not acquired the required hours under subsection (d); add new subsection (f) to provide the requirements for an applicant whose degree, course work, or clinical observation and experience were earned more than 10 years before the date of application; and add new subsection (g) to prohibit an assistant from performing any duties until the license has been issued and any missing hours are complete.

The adopted rules amend §111.51, Assistant in Speech-Language Pathology License--Supervision Requirements. The adopted rules amend subsection (c) to require an assistant to practice under an assistant supervision plan and provide the requirements for the plan; amend subsection (c)(1) to provide the requirements for department approval; replace existing subsection (c)(2) with language providing when the plan must be submitted; relabel existing subsection (c)(2) to become new subsection (c)(3) and amend its language to provide the requirements when more than one speech-language pathologist agrees to supervise an assistant; relabel existing subsection (c)(3) to become new subsection (c)(4) and amend its language to prohibit an assistant from practicing without an approved supervisor and to require the supervisor to verify that the assistant appears under the supervisor's license; relabel existing subsection (c)(4) to become new subsection (c)(5) and amend its language to require an assistant to only provide services for the caseload of the assistant's current, approved supervisor; relabel existing subsection (c)(5) to become new subsection (c)(6) and amend its language to provide the requirements of the supervisor when the supervisor ceases supervision of the assistant; relabel existing subsection (c)(6) to become new subsection (c)(7) and amend its language to provide the requirements of the assistant when the supervisor ceases supervision. The adopted rules amend subsections (d) and (f) through (k) to make cleanup changes.

The adopted rules amend §111.52, Assistant in Speech-Language Pathology License--Practice and Duties of Assistants. The adopted rules add new subsection (c)(5) to including acting as a translator in the list of duties that a supervisor may assign to an assistant; relabel existing subsections (c)(5) through (c)(7) to become new subsections (c)(6) through (c)(8); add new subsection (c)(9) to include preparing and creating daily notes in the list of duties that a supervisor may assign to an assistant; and relabel existing subsections (c)(8) and (c)(9) to become new subsections (c)(10) and (c)(11). The adopted rules amend subsection (d)(12) to provide that an assistant must not practice without an approved supervisor and to remove the requirement to file a Supervisory Responsibility Statement; amend subsection (d)(16) to provide that an assistant must not demonstrate feeding strategies or precautions to clients, family, or staff; and repeal (d)(19), which consists of provisions that are relocated to subsection (g). The adopted rules amend subsection (e) to

conform with plain language principles; add new subsection (g) to provide the terms licensed assistants may and may not use to shorten their professional title; and add new subsection (h) to provide the terms licensed assistants who have earned their ASHA certification may use in their professional title.

The adopted rules amend §111.55, Assistant in Speech-Language Pathology License-- Application and Eligibility Requirements. The adopted rules update subsections (a) and (b)(2)-(3) to reduce form requirements for applicants; add new subsection (b)(4) to provide the requirements when the applicant's transcript is in a language other than English or the degree was earned at a foreign university; relabel existing subsection (b)(4) to become new subsection (b)(5) and update its language to require a university program director or designee to verify 25 hours of clinical observation and 25 hours of clinical assisting experience; relabel existing subsection (b)(5) to become new subsection (b)(6) and update its language to require an applicant to complete any missing hours under direct supervision from an approved supervisor up license issuance; and relabel existing subsections (b)(6) and (b)(7) to become new subsections (b)(7) and (b)(8).

Subchapter H. Requirements for Audiology License

The adopted rules amend §111.70, Audiology License--Licensing Requirements. The adopted rules amend subsection (a) to comply with plain language principles; amend subsection (c) to reduce form requirements and to provide that the transcript evaluation service must be approved by ASHA; amend subsection (d) to comply with plain language principles and rephrase language for clarity; and amend subsection (e) to comply with plain language principles. The adopted rules repeal existing subsection (f), which addresses persons who previously held the ASHA CCC or the ABA certification. Those requirements have been updated and are addressed in the adopted rules under new §111.75(b).

The adopted rules repeal existing §111.75, Audiology License--Application and Eligibility Requirements. The provisions in this repealed rule have been updated and supplemented under new §111.75, Audiology License--Application and Eligibility Requirements.

The adopted rules add new §111.75, Audiology License--Application and Eligibility Requirements. This new rule includes provisions from existing §111.75, which has been repealed, and updates and supplements the current application and eligibility requirements. The adopted rules add new subsection (a) to require all information and documentation to be submitted in a form and manner prescribed by the Department, with original or certified copies submitted upon request. The adopted rules add new subsection (b) to expand the existing application requirements to include persons who have held the ASHA CCC or ABA Certification in the past; provide that the ASHA CCC or ABA Certification demonstrates that the applicant has met the education, experience, and written examination requirements; and update and specify the documents that must be submitted by an applicant for an audiology license who holds or has held the ASHA CCC or ABA Certification. The adopted rules add new subsection (c) to specify the documents that must be submitted by an applicant who has never held the ASHA CCC or ABA Certification; add new subsection (d) to require an applicant to submit fingerprints and successfully pass a criminal history background check; add new subsection (e) to provide the requirements for an applicant seeking to upgrade an intern in audiology license to an audiology license; and add new subsection (f) to provide that an applicant

must complete all licensing requirements within one year from the date the application was submitted.

Subchapter I. Requirements for Intern in Audiology License

The adopted rules amend §111.80, Intern in Audiology License--Licensing Requirements--Education. The adopted rules amend subsection (a) to comply with plain language principles; add clarifying language to subsections (b) and (c) regarding education requirements; and repeal subsection (d), which consists of language that is relocated to new §111.85(b)(2).

The adopted rules amend §111.81, Intern in Audiology License--Internship and Supervision Requirements. The adopted rules amend subsection (c) to require an intern to complete the supervised professional experience under an intern supervision plan that must be submitted to the Department; rephrase subsection (c)(1) for clarity; add new subsection (c)(2) to specify when an intern supervision must be submitted; relabel existing subsection (c)(2) to become new subsection (c)(3) and update its language to specify the requirements when more than one audiologist agrees to supervise an intern; relabel existing subsection (c)(3) to become new subsection (c)(4) and update its language to require the supervisor to verify that the intern appears under the supervisor's license before allowing the intern to practice; relabel existing subsection (c)(4) to become new subsection (c)(5) and update its language to provide that the supervisor is responsible for the practice of the intern until the intern is removed from the supervisor's license; and relabel existing subsection (c)(5) to become new subsection (c)(6) and update its language to provide that an intern whose supervisor ceases supervision may not practice until the intern has a new approved supervisor and has been added to a new supervisor's license. The adopted rules amend subsection (d) to comply with plain language principles; remove existing subsection (d)(2) and its requirement that an internship consist of 1,600 hours of supervised clinical work and replaces it with new (d)(2) which requires all internships consist of supervised professional experience conducted under the direction of a professionally recognized accredited doctoral program as approved by the department. The adopted rules repeal subsection (e), which described the procedures related to the Audiology Intern Plan and Agreement of Supervision Form, as this Form is no longer required due to the adopted rules' amendment of §111.81(c). The adopted rules also relabel existing subsection (f) to become new subsection (e).

The adopted rules amend §111.82, Intern in Audiology License--Practice and Duties of Interns. The adopted rules amend subsection (a) to clarify that a licensed audiology intern must obtain supervised professional experience under an approved audiologist. The adopted rules amend subsection (c) to reduce form requirements.

The adopted rules amend §111.85, Intern in Audiology License--Application and Eligibility Requirements. The adopted rules amend subsection (a) to require all information and documentation to be submitted in a form and manner prescribed by the Department, with original or certified copies submitted upon request. The adopted rules amend subsection (b) to reduce form requirements and require all information and documentation to be submitted in a form and manner prescribed by the Department.

The adopted rules amend §111.87, Intern in Audiology License--License Terms; Renewals. The adopted rules amend subsection (a) to provide that an audiology intern license is valid for two

years and can be renewed biennially. The adopted rules amend subsection (c)(2) to reduce form requirements.

Subchapter J. Requirements for Assistant in Audiology License

The adopted rules amend §111.90, Assistant in Audiology License--Licensing Requirements--Education and Training. The adopted rules amend subsections (a) and (b) to comply with plain language principles. The adopted rules amend subsection (b)(3) to specify that an applicant must hold a baccalaureate degree; amend subsection (b)(4) to clarify that an assistant must work under an approved supervisor and an assistant supervision plan approved by the Department; amend subsection (b)(5) to require an assistant to agree to complete a minimum of 25 hours of job-specific competency-based training conducted by the supervisor upon the initial issuance of the license; and add new subsection (b)(6) to require an assistant to complete all training hours under the supervision of an approved supervisor. The adopted rules replace the language of subsection (c) with new language providing when an assistant may begin to practice.

The adopted rules amend §111.91, Assistant in Audiology License--Supervision Requirements. The adopted rules amend subsection (c) to remove references to the Supervisory Responsibility Statement Form and to provide that a supervisor must ensure all training hours completed by the assistant are supervised; amend subsection (c)(1) to provide that Department approval is required prior to any changes in supervision; add new subsection (c)(2) to specify when an assistant supervision plan must be submitted; relabel existing subsection (c)(2) to become new subsection (c)(3) and amend its language to provide the supervisor responsibilities for when more than one audiologist agrees to supervise the assistant; relabel existing subsection (c)(3) to become new subsection (c)(4) and amend its language to provide that the supervisor must verify that the assistant appears under the supervisor's license before allowing the assistant to practice; relabel existing subsection (c)(4) to become new subsection (c)(5) and amend its language to provide that the assistant must only provide services for the clients of the assistant's current, approved supervisors; relabel existing subsection (c)(5) to become new subsection (c)(6) and amend its language to provide that a supervisor is responsible for the practice of the assistant until the assistant is removed from the supervisor's license; relabel existing subsection (c)(6) to become new subsection (c)(7) and amend its language to provide that, if the assistant's supervisor ceases supervision, the assistant may not practice until the assistant has a new approved supervisor. The adopted rules add new subsection (d) to provide that an assistant must practice under an assistant supervision plan, which must be submitted to the Department. The adopted rules relabel existing subsections (d) through (j) to become new subsections (e) through (k) and amend their language to comply with plain language principles.

Notably, the adopted rules relabel former subsection (f) to become new subsection (g) and amend its language to reduce the minimum amount of supervision for audiology assistants from 10 hours per week to four hours per week, or alternatively, from 40 hours per month to 16 hours per month. The amended language of new subsection (g) also requires at least one hour per week or four hours per month of the total supervision to be under direct supervision.

The adopted rules amend §111.92, Assistant in Audiology License--Practice and Duties of Assistants. The adopted rules amend subsection (d) to comply with plain language principles

and amend subsection (d)(18) to remove the requirement for a Supervisory Responsibility Statement for an Audiology Assistant Form to be on file with the Department and replace it with the requirement for an approved supervisor.

The adopted rules amend §111.95, Assistant in Audiology License--Application and Eligibility Requirements. The adopted rules amend subsection (a) to require all information and documentation to be submitted in a form and manner prescribed by the Department, with original or certified copies submitted upon request. The adopted rules amend subsection (b)(2) to reduce form requirements; amend subsection (b)(4) to allow a copy of a high school diploma; amend subsection (b)(5) to remove the requirement for an original or certified copy of the CAOHC certificate; and amend subsection (b)(6) to clarify the requirements for an applicant who holds a baccalaureate degree or higher in communicative sciences or disorders.

Subchapter L. Requirements for Dual License in Intern in Speech-Language Pathology and Audiology

The adopted rules amend §111.115, Dual License in Speech-Language Pathology and Audiology--Application and Eligibility Requirements. The adopted rules amend subsection (a) to require all information and documentation to be submitted in a form and manner prescribed by the Department, with original or certified copies submitted upon request. The adopted rules amend subsection (d) to provide the documentation requirements for an applicant who holds or has held the ASHA CCC or ABA Certification.

Subchapter P. Responsibilities of the Licensee and Code of Ethics

The adopted rules amend §111.150, Changes of Name, Address, or Other Information. The adopted rules amend subsection (a) to require a licensee to provide the Department with a contact phone number and a valid email address and to repeal the requirement that a licensee provide the Department with current employment information. The adopted rules amend subsections (a) and (c) to comply with plain language principles.

The adopted rules amend the title of §111.154 from "Requirements, Duties, and Responsibilities of Supervisors and Persons Being Supervised" to "Supervision Requirements and Responsibilities." The adopted rules add new subsection (a) to provide that a licensee who wants to supervise an intern or assistant must meet the requirements under this section and be approved by the Department. The adopted rules relabel existing subsection (a) to become new subsection (b) and restructure its language to include new subsection (b)(1) and new subsection (b)(2) to specify the experience requirements. The adopted rules relocate the language of existing subsection (b), regarding supervising family members, to new subsection (d). The adopted rules add new subsection (c) to provide that a licensee must hold the appropriate license type to supervise; relabel existing subsections (c) through (e) to become new subsections (c)(1) through (c)(3); and remove unnecessary language. The adopted rules add new subsection (d), regarding supervising family members, which has been relocated from existing subsection (b). The adopted rules add new subsection (e) to provide that a licensee may not supervise if the licensee has any current sanctions. The adopted rules amend subsections (f) through (h) to provide headings and to comply with plain language principles.

Subchapter Q. Fees

The adopted rules amend §111.160, Fees. The adopted rules amend subsection (f)(1) and extend the license term for an initial audiology intern license from one year to two years. The \$75 fee for the initial audiology intern license remains unchanged. The adopted rules amend subsection (f)(2) and extend the license term for a renewed audiology intern license from one year to two years. The \$75 fee for the renewal of an audiology intern license remains unchanged.

PUBLIC COMMENTS

The Department drafted and distributed the proposed rules to persons internal and external to the agency. The proposed rules were published in the June 6, 2025, issue of the *Texas Register* (50 TexReg 3315). The public comment period closed on July 7, 2025. The Department received comments from two interested parties in response to the required summary of the proposed rules, which was posted on the Department's website and distributed on May 27, 2025, the same day that the proposed rules were filed with the *Texas Register*, but before the official publication of the proposed rules and the official start of the public comment period. The Department received comments from two interested parties on the published proposed rules during the official public comment period. The public comments are summarized below.

Comments in Response to the Posted Summary

Comment: The first comment, submitted by an individual, requested that the Department not repeal the clinical deficiency plan option for speech-language pathology assistants. The clinical deficiency plan option is currently authorized by §111.50(e) but would be repealed by the proposed rule amendments.

Department Response: The Department disagrees with this comment. During the Speech Language Pathologists and Audiologists Advisory Board meeting (Advisory Board) on April 29, 2025, the Advisory Board agreed without discussion to repeal that clinical deficiency plan option. This comment was presented at the Advisory Board meeting on July 28, 2025, and the Advisory Board declined to take any action in response to this comment. Thus, the Department did not make any changes to the proposed rules because of this comment.

Comment: The second comment, submitted by an individual, requested that the Department "change supervision requirements" without specifying which requirements should be changed, or what changes should be made.

Department Response: The Department disagrees with this comment. The Department cannot implement this request, as the comment lacks sufficient specificity to allow the Department to add, repeal, or amend the supervision requirements under Chapter 111. This comment was presented at the Advisory Board meeting on July 28, 2025, and the Advisory Board declined to take any action in response to this comment. Thus, the Department did not make any changes to the proposed rules because of this comment.

Comments in Response to the Published Proposed Rules

Comment: The third comment, submitted by the American Speech-Language-Hearing Association (ASHA), was in support of the proposed rules, with amendments. The comment requested that the Department make a variety of amendments to the proposed rules, including: (1) add notification requirements if a supervisor ceases supervision of an intern; (2) change the degree requirements for college or university; (3) increase the number of hours of direct supervision from 50 to 100; (4)

rename "assistant speech-language pathologist;" (5) add a recommendation that speech-language pathology assistants "actively" pursue continuing education and professional development activities; (6) require that the submission and review of Assistant Supervision Plans be completed in a timely manner; (7) require a speech-language pathology assistant meet certain requirements regarding administering and scoring screenings for clinical interpretation, and require the assistant's supervising speech-language pathologist verify the competence of the assistant who performs the administration and scoring; (8) make changes to the professional titles authorized for use by a licensed speech-language pathologist assistant; (9) change the supervision limits so that speech-language pathologists supervise no more than three full-time equivalent assistants for any setting; and (10) clarify submission requirements in rules that regulate both ASHA-approved transcript evaluation services and ASHA verification.

Department Response: The Department disagrees with this comment. In general, the comments requested changes that either require statutory changes to implement or would modify rules already discussed and approved during workgroup meetings between the Department and members of the Advisory Board and approved by the Advisory Board at its April 29, 2025, meeting. This comment was presented at the Advisory Board meeting on July 28, 2025, and the Advisory Board declined to take any action in response to this comment. Thus, the Department did not make any changes to the proposed rules because of this comment.

Comment: The fourth comment, submitted by an individual, requested that the Department provide clarification about the supervision requirements for assistants in speech-language pathology, specifically regarding initial client contacts as delineated in §111.51(f). The comment asked a series of questions regarding initial client contacts between speech-language pathologists, assistants in speech-language pathology, and clients. The comment requested clarification on what initial client contacts are intended to look like in a variety of employment settings.

Department Response: The Department disagrees with this comment, as it is not related to the amendments proposed by this rule package. Specifically, the proposed rules do not make substantive changes to §111.51(f), and the changes suggested by the commenter would require additional research and discussion by both the Department and the Advisory Board and potentially substantive changes to the rules. Also, this comment was presented at the Advisory Board meeting on July 28, 2025, and the Advisory Board declined to take any action in response to this comment. Thus, the Department did not make any changes to the proposed rules because of this comment.

ADVISORY BOARD RECOMMENDATIONS AND COMMISSION ACTION

The Speech-Language Pathologists and Audiologists Advisory Board met on July 28, 2025, to discuss the proposed rules and the public comments received. The Advisory Board recommended that the Commission adopt the proposed rules as published in the *Texas Register* with changes to §111.2 made in response to the Department's recommendations. At its meeting on October 28, 2025, the Commission adopted the proposed rules with changes as recommended by the Advisory Board.

SUBCHAPTER A. GENERAL PROVISIONS

16 TAC §111.2

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapter 51, which authorizes the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement that chapter and any other law establishing a program regulated by the Department. The adopted rules are also adopted under Texas Occupations Code, Chapter 401, Speech-Language Pathologists and Audiologists.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51 and 401. No other statutes, articles, or codes are affected by the adopted rules.

§111.2. Definitions.

Unless the context clearly indicates otherwise, the following words and terms must have the following meanings.

- (1) ABA--The American Board of Audiology.
- (2) ABA Certification--The certification issued to a person who meets the education and professional practice requirements established by ABA.
- (3) Act--Texas Occupations Code, Chapter 401, relating to Speech-Language Pathologists and Audiologists.
- (4) Acts--Texas Occupations Code, Chapter 401, relating to Speech-Language Pathologists and Audiologists; and Texas Occupations Code, Chapter 402, relating to Hearing Instrument Fitters and Dispensers.
- (5) Advisory board--The Speech-Language Pathologists and Audiologists Advisory Board.
- (6) ASHA--The American Speech-Language-Hearing Association.
- (7) ASHA CCC--ASHA Certificate of Clinical Competence. The certificate issued to a person who meets the education, examination, and clinical fellowship requirements established by ASHA.
- (8) Assistant in audiology--An individual licensed under Texas Occupations Code §401.312 and §111.90 of this chapter and who provides audiological support services to clinical programs under the supervision of an audiologist licensed under the Act.
- (9) Assistant in speech-language pathology--An individual licensed under Texas Occupations Code §401.312 and §111.60 of this chapter and who provides speech-language pathology support services under the supervision of a speech-language pathologist licensed under the Act.
- (10) Assistant supervision plan (for Assistants in Audiology or Speech-Language Pathology)--An agreement between a supervisor and an assistant in which the parties enter into a supervisory relationship, the supervisor agrees to assume responsibility for the assistant's activities, and the assistant agrees to perform only those activities assigned by the supervisor that are not prohibited under this chapter.
- (11) Audiologist--An individual who holds a license under Texas Occupations Code §401.302 and §401.304 to practice audiology.
- (12) Audiology--The application of nonmedical principles, methods, and procedures for measurement, testing, appraisal, prediction, consultation, counseling, habilitation, rehabilitation, or instruction related to disorders of the auditory or vestibular systems for the purpose of providing or offering to provide services modifying communication disorders involving speech, language, or auditory or vestibular function or other aberrant behavior relating to hearing loss.

(13) Caseload--The number of clients served by the licensed speech-language pathologist or licensed speech-language pathology intern.

(14) Client--A consumer or proposed consumer of audiology or speech-language pathology services.

(15) Commission--The Texas Commission of Licensing and Regulation.

(16) Department--The Texas Department of Licensing and Regulation.

(17) Direct Supervision (Speech-Language Pathology and Audiology)--Real-time observation and guidance by the supervisor while a client contact or clinical activity or service is performed by the assistant or intern. Direct supervision may be performed in person or via tele-supervision as authorized and prescribed by this chapter.

(18) Ear specialist--A licensed physician who specializes in diseases of the ear and is medically trained to identify the symptoms of deafness in the context of the total health of the client, and is qualified by special training to diagnose and treat hearing loss. Such physicians are also known as otolaryngologists, otologists, neurotologists, otorhinolaryngologists, and ear, nose, and throat specialists.

(19) Executive director--The executive director of the department.

(20) Extended recheck--Starting at 40 dB and going down by 10 dB until no response is obtained or until 20 dB is reached and then up by 5 dB until a response is obtained. The frequencies to be evaluated are 1,000, 2,000, and 4,000 hertz (Hz).

(21) Fitting and dispensing hearing instruments--The measurement of human hearing by the use of an audiometer or other means to make selections, adaptations, or sales of hearing instruments. The term includes prescribing, ordering, or authorizing the use of hearing instruments, the making of impressions for earmolds to be used as a part of the hearing instruments, and providing any necessary postfitting counseling for the purpose of fitting and dispensing hearing instruments.

(22) Hearing aid--Any wearable device designed for, offered for the purpose of, or represented as aiding persons with or compensating for impaired hearing. The term includes hearing instruments and over-the-counter hearing aids.

(23) Hearing instrument--A prescription hearing aid as that term is defined in 21 C.F.R. Section 800.30.

(24) Hearing screening--A test administered with pass/fail results for the purpose of rapidly identifying those persons with possible hearing impairment which has the potential of interfering with communication.

(25) In-person--The licensee is physically present with the client while a client contact or clinical activity or service is performed. In the case of supervision, the supervisor is physically present with the assistant or intern while a client contact or clinical activity or service is performed.

(26) Indirect supervision (Speech-Language Pathology and Audiology)--The supervisor performs monitoring activities or provides guidance to the assistant or intern, either of which does not occur during actual client contact by the assistant or intern or while the assistant or intern is providing a clinical activity or service. Tele-supervision may be used for indirect supervision as authorized and prescribed under this chapter.

(27) Intern in audiology--An individual licensed under Texas Occupations Code §401.311 and §111.80 of this chapter and who is supervised by an individual who holds an audiology license under Texas Occupations Code §401.302 and §401.304. An intern in audiology is also referred to as a fourth-year student or an extern in the profession.

(28) Intern in speech-language pathology--An individual licensed under Texas Occupations Code §401.311 and §111.40 of this chapter and who is supervised by an individual who holds a speech-language pathology license under Texas Occupations Code §401.302 and §401.304.

(29) Intern supervision plan (for Interns in Speech-Language Pathology and Audiology)--An agreement between a supervisor and an intern in which the parties enter into a supervisory relationship and the supervisor agrees to assume responsibility for all services provided by the intern.

(30) Over-the-counter hearing aid--The term has the meaning assigned by 21 C.F.R. Section 800.30.

(31) Provisional Licensee--An individual granted a provisional license under Texas Occupations Code §401.308.

(32) Sale--The term includes a lease, rental, or any other purchase or exchange for value. The term does not include a sale at wholesale by a manufacturer to a person licensed under the Act or to a distributor for distribution and sale to a person licensed under the Act.

(33) Speech-language pathologist--An individual who holds a license under Texas Occupations Code §401.302 and §401.304, to practice speech-language pathology.

(34) Speech-language pathology--The application of non-medical principles, methods, and procedures for measurement, testing, evaluation, prediction, counseling, habilitation, rehabilitation, or instruction related to the development and disorders of communication, including speech, voice, language, oral pharyngeal function, or cognitive processes, for the purpose of evaluating, preventing, or modifying or offering to evaluate, prevent, or modify those disorders and conditions in an individual or a group.

(35) Supervisor--An individual who holds a license under Texas Occupations Code §401.302 and §401.304 and whom the department has approved to oversee the services provided by the assigned assistant and/or intern. The term "supervisor" and "department-approved supervisor" have the same meaning as used throughout this chapter.

(36) Telehealth--See definition(s) in Subchapter V, Telehealth.

(37) Tele-supervision--Supervision of interns or assistants that is provided remotely using telecommunications technology.

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 November 10, 2025.

TRD-202504087

Doug Jennings

General Counsel

Texas Department of Licensing and Regulation

Effective date: December 1, 2025

Proposal publication date: June 6, 2025

For further information, please call: (512) 475-4879

SUBCHAPTER C. EXAMINATIONS

16 TAC §111.22

STATUTORY AUTHORITY

The adopted repeal is repealed under Texas Occupations Code, Chapter 51, which authorizes the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement that chapter and any other law establishing a program regulated by the Department. The adopted repeal is also adopted under Texas Occupations Code, Chapter 401, Speech-Language Pathologists and Audiologists.

The statutory provisions affected by the adopted repeals are those set forth in Texas Occupations Code, Chapters 51 and 401. No other statutes, articles, or codes are affected by the adopted repeals.

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

Filed with the Office of the Secretary of State on November 10, 2025.

TRD-202504088

Doug Jennings

General Counsel

Texas Department of Licensing and Regulation

Effective date: December 1, 2025

Proposal publication date: June 6, 2025

For further information, please call: (512) 475-4879

SUBCHAPTER D. REQUIREMENTS FOR SPEECH-LANGUAGE PATHOLOGY LICENSE

16 TAC §111.30, §111.35

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapter 51, which authorizes the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement that chapter and any other law establishing a program regulated by the Department. The adopted rules are also adopted under Texas Occupations Code, Chapter 401, Speech-Language Pathologists and Audiologists.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51 and 401. No other statutes, articles, or codes are affected by the adopted rules.

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

Filed with the Office of the Secretary of State on November 10, 2025.

TRD-202504089

Doug Jennings
General Counsel
Texas Department of Licensing and Regulation
Effective date: December 1, 2025
Proposal publication date: June 6, 2025
For further information, please call: (512) 475-4879



SUBCHAPTER E. REQUIREMENTS FOR INTERN IN SPEECH-LANGUAGE PATHOLOGY LICENSE

16 TAC §§111.40 - 111.42, 111.45, 111.47

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapter 51, which authorizes the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement that chapter and any other law establishing a program regulated by the Department. The adopted rules are also adopted under Texas Occupations Code, Chapter 401, Speech-Language Pathologists and Audiologists.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51 and 401. No other statutes, articles, or codes are affected by the adopted rules.

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

Filed with the Office of the Secretary of State on November 10, 2025.

TRD-202504090
Doug Jennings
General Counsel
Texas Department of Licensing and Regulation
Effective date: December 1, 2025
Proposal publication date: June 6, 2025
For further information, please call: (512) 475-4879



SUBCHAPTER F. REQUIREMENTS FOR ASSISTANT IN SPEECH-LANGUAGE PATHOLOGY LICENSE

16 TAC §111.50

STATUTORY AUTHORITY

The adopted repeal is repealed under Texas Occupations Code, Chapter 51, which authorizes the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement that chapter and any other law establishing a program regulated by the Department. The adopted repeal is also adopted under Texas Occupations Code, Chapter 401, Speech-Language Pathologists and Audiologists.

The statutory provisions affected by the adopted repeals are those set forth in Texas Occupations Code, Chapters 51 and

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

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

Filed with the Office of the Secretary of State on November 10, 2025.

TRD-202504091
Doug Jennings
General Counsel
Texas Department of Licensing and Regulation
Effective date: December 1, 2025
Proposal publication date: June 6, 2025
For further information, please call: (512) 475-4879



16 TAC §§111.50 - 111.52, 111.55

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapter 51, which authorizes the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement that chapter and any other law establishing a program regulated by the Department. The adopted rules are also adopted under Texas Occupations Code, Chapter 401, Speech-Language Pathologists and Audiologists.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51 and 401. No other statutes, articles, or codes are affected by the adopted rules.

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

Filed with the Office of the Secretary of State on November 10, 2025.

TRD-202504092
Doug Jennings
General Counsel
Texas Department of Licensing and Regulation
Effective date: December 1, 2025
Proposal publication date: June 6, 2025
For further information, please call: (512) 475-4879



SUBCHAPTER H. REQUIREMENTS FOR AUDIOLOGY LICENSE

16 TAC §§111.70, §111.75

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapter 51, which authorizes the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement that chapter and any other law establishing a program regulated by the Department. The adopted rules are also adopted under Texas Occupations Code, Chapter 401, Speech-Language Pathologists and Audiologists.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51 and 401. No other statutes, articles, or codes are affected by the adopted rules.

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

Filed with the Office of the Secretary of State on November 10, 2025.

TRD-202504093

Doug Jennings

General Counsel

Texas Department of Licensing and Regulation

Effective date: December 1, 2025

Proposal publication date: June 6, 2025

For further information, please call: (512) 475-4879



16 TAC §111.75

STATUTORY AUTHORITY

The adopted repeal is repealed under Texas Occupations Code, Chapter 51, which authorizes the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement that chapter and any other law establishing a program regulated by the Department. The adopted repeal is also adopted under Texas Occupations Code, Chapter 401, Speech-Language Pathologists and Audiologists.

The statutory provisions affected by the adopted repeals are those set forth in Texas Occupations Code, Chapters 51 and 401. No other statutes, articles, or codes are affected by the adopted repeals.

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

Filed with the Office of the Secretary of State on November 10, 2025.

TRD-202504094

Doug Jennings

General Counsel

Texas Department of Licensing and Regulation

Effective date: December 1, 2025

Proposal publication date: June 6, 2025

For further information, please call: (512) 475-4879



SUBCHAPTER I. REQUIREMENTS FOR INTERN IN AUDIOLOGY LICENSE

16 TAC §§111.80 - 111.82, 111.85, 111.87

STATUTORY AUTHORITY

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

adopted rules are also adopted under Texas Occupations Code, Chapter 401, Speech-Language Pathologists and Audiologists.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51 and 401. No other statutes, articles, or codes are affected by the adopted rules.

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

Filed with the Office of the Secretary of State on November 10, 2025.

TRD-202504096

Doug Jennings

General Counsel

Texas Department of Licensing and Regulation

Effective date: December 1, 2025

Proposal publication date: June 6, 2025

For further information, please call: (512) 475-4879



SUBCHAPTER J. REQUIREMENTS FOR ASSISTANT IN AUDIOLOGY LICENSE

16 TAC §§111.90 - 111.92, 111.95

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapter 51, which authorizes the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement that chapter and any other law establishing a program regulated by the Department. The adopted rules are also adopted under Texas Occupations Code, Chapter 401, Speech-Language Pathologists and Audiologists.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51 and 401. No other statutes, articles, or codes are affected by the adopted rules.

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

Filed with the Office of the Secretary of State on November 10, 2025.

TRD-202504097

Doug Jennings

General Counsel

Texas Department of Licensing and Regulation

Effective date: December 1, 2025

Proposal publication date: June 6, 2025

For further information, please call: (512) 475-4879



SUBCHAPTER L. REQUIREMENTS FOR DUAL LICENSE IN SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY

16 TAC §111.115

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapter 51, which authorizes the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement that chapter and any other law establishing a program regulated by the Department. The adopted rules are also adopted under Texas Occupations Code, Chapter 401, Speech-Language Pathologists and Audiologists.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51 and 401. No other statutes, articles, or codes are affected by the adopted rules.

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

Filed with the Office of the Secretary of State on November 10, 2025.

TRD-202504098

Doug Jennings

General Counsel

Texas Department of Licensing and Regulation

Effective date: December 1, 2025

Proposal publication date: June 6, 2025

For further information, please call: (512) 475-4879

SUBCHAPTER P. RESPONSIBILITIES OF THE LICENSEE AND CODE OF ETHICS

16 TAC §111.150, §111.154

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapter 51, which authorizes the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement that chapter and any other law establishing a program regulated by the Department. The adopted rules are also adopted under Texas Occupations Code, Chapter 401, Speech-Language Pathologists and Audiologists.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51 and 401. No other statutes, articles, or codes are affected by the adopted rules.

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

Filed with the Office of the Secretary of State on November 10, 2025.

TRD-202504099

Doug Jennings

General Counsel

Texas Department of Licensing and Regulation

Effective date: December 1, 2025

Proposal publication date: June 6, 2025

For further information, please call: (512) 475-4879

SUBCHAPTER Q. FEES

16 TAC §111.160

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapter 51, which authorizes the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement that chapter and any other law establishing a program regulated by the Department. The adopted rules are also adopted under Texas Occupations Code, Chapter 401, Speech-Language Pathologists and Audiologists.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51 and 401. No other statutes, articles, or codes are affected by the adopted rules.

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

Filed with the Office of the Secretary of State on November 10, 2025.

TRD-202504100

Doug Jennings

General Counsel

Texas Department of Licensing and Regulation

Effective date: December 1, 2025

Proposal publication date: June 6, 2025

For further information, please call: (512) 475-4879

CHAPTER 140. ADMINISTRATION OF TEXAS LOTTERY AND CHARITABLE BINGO

SUBCHAPTER A. LOTTERY PROCUREMENT, LOTTERY ADVISORY COMMITTEE, AND BINGO ADVISORY COMMITTEE

16 TAC §140.1, §140.2

The Texas Commission of Licensing and Regulation (Commission) adopts new rules at 16 Texas Administrative Code (TAC), Chapter 140, Subchapter A, §140.1 and §140.2, regarding the Texas Lottery and Charitable Bingo program, without changes to the proposed text as published in the September 19, 2025, issue of the *Texas Register* (50 TexReg 6182). These rules will not be republished.

EXPLANATION OF AND JUSTIFICATION FOR THE RULES

The rules under 16 TAC, Chapter 140, implement Texas Government Code, Chapter 466, State Lottery; Texas Occupations Code, Chapter 51, Texas Department of Licensing and Regulation; and Chapter 2001, Bingo.

The adopted rules are necessary to implement Senate Bill (SB) 3070, 89th Legislature, Regular Session (2025), which transferred administration of the state lottery and the licensing and regulation of charitable bingo to the Texas Department of Licensing and Regulation (Department) on September 1, 2025. SB 3070 requires the Commission to establish a lottery advisory

committee and a bingo advisory committee and requires both advisory committees to meet at least quarterly. SB 3070 requires the Commission, as soon as practicable after the effective date of the act, to appoint members to both advisory committees and adopt rules to govern the operations of the committees. The adopted rules establish the member composition, appointment procedures, terms, and meeting requirements for the lottery advisory committee and bingo advisory committee.

The adopted rules are identical to the emergency rules adopted by the Commission at its August 21, 2025, meeting, except that clarifying language is added to §140.1(d)(1) and §140.2(d)(1) to provide for staggered terms of advisory committee members. Those emergency rules were filed with the *Texas Register* on August 22, 2025, and took effect 20 days later on September 11, 2025.

SECTION-BY-SECTION SUMMARY

The adopted rules add §140.1, Lottery Advisory Committee.

The adopted rules add §140.1(a), which ensures that words and terms used in the section are defined in the context of the relevant statutes.

The adopted rules add §140.1(b), which provides the membership composition of the advisory committee and the procedure for appointment of its members.

The adopted rules add §140.1(c), which provides eligibility requirements for advisory committee members, including requirements that any necessary licenses be issued by Texas and remain in good standing, that public members not have interests in lottery operations, that members meet criminal history standards, and that applicants for membership provide complete and accurate information.

The adopted rules add §140.1(d), which provides the term length for advisory committee members, the process for filling a vacancy, the process of appointing a presiding officer, the prohibition against compensation or reimbursement for serving as a member, and the process for removing a member.

The adopted rules add §140.1(e), which provides meeting requirements, including quarterly meetings, the number of members required for a quorum, majority voting, open meetings, and provisions relating to meetings held by videoconference.

The adopted rules add §140.1(f), which provides the duties of the advisory committee, including advising the commission and department, providing input on proposed lottery rules, reporting on committee activities, and briefing on advancements and challenges in the lottery industry.

The adopted rules add §140.1(g), which establishes the process by which public comments may be provided to the advisory committee in writing via email or orally at a public meeting of the advisory committee.

The adopted rules add §140.1(h), which clarifies that Texas Government Code, Chapter 2110, does not apply to the advisory committee.

The adopted rules add §140.2, Bingo Advisory Committee.

The adopted rules add §140.2(a), which ensures that words and terms used in the section are defined in the context of the relevant statutes.

The adopted rules add §140.2(b), which provides the membership composition of the advisory committee and the procedure for appointment of its members.

The adopted rules add §140.2(c), which provides eligibility requirements for advisory committee members, including requirements that any necessary licenses be issued by Texas and remain in good standing, that members not be delinquent in payment of prize fees, that public members not be associated with certain licensees, that members meet criminal history standards, and that applicants for membership provide complete and accurate information.

The adopted rules add §140.2(d), which provides the term length for advisory committee members, the process for filling a vacancy, the process of appointing a presiding officer, the prohibition against compensation or reimbursement for serving as a member, and the process for removing a member.

The adopted rules add §140.2(e), which provides meeting requirements, including quarterly meetings, the number of members required for a quorum, majority voting, open meetings, and provisions relating to meetings held by videoconference.

The adopted rules add §140.2(f), which provides the duties of the advisory committee, including advising the commission and department, providing input on proposed bingo rules, reporting on committee activities, and briefing on advancements and challenges in the bingo industry.

The adopted rules add §140.2(g), which clarifies that Texas Government Code, Chapter 2110, does not apply to the advisory committee.

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

The Department drafted and distributed the proposed rules to persons internal and external to the agency. The proposed rules were published in the September 19, 2025, issue of the *Texas Register* (50 TexReg 6182). The Department requested public comments on the proposed rules and information related to the cost, benefit, or effect of the proposed rules, including any applicable data, research, or analysis. The public comment period closed on October 20, 2025. The Department received comments from one interested party on the proposed rules. The public comments are summarized below.

Comment: The organization Texans for Charitable Bingo suggested including a licensed manufacturer and a licensed distributor as listed representatives in rule to serve on the Bingo Advisory Committee.

Department Response: The Department agrees that licensed manufacturers and licensed distributors should be represented on the Bingo Advisory Committee. Proposed §140.2 does not prohibit the appointment of manufacturers or distributors, and it requires appointment of members that represent a balance of interests, as is also required by Texas Occupations Code §2001.057(a). Additionally, existing rule at 16 TAC §141.102(b) requires appointment of members representing licensed manufacturers and licensed distributors, so proposed §140.2 should be read in conjunction with existing §141.102 to reach the result suggested by the comment. The Department did not make any changes to the proposed rules as a result of the comment; however, the Department intends to work with the Bingo Advisory Committee to determine what future rule changes should be made to address the issue raised in the comment.

COMMISSION ACTION

At its meeting on October 28, 2025, the Commission adopted the proposed rules as published in the *Texas Register*.

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Government Code, Chapter 466, and Texas Occupations Code, Chapters 51 and 2001, which authorize the Commission, the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department.

The statutory provisions affected by the adopted rules are those set forth in Texas Government Code, Chapter 466, and Texas Occupations Code, Chapters 51 and 2001. No other statutes, articles, or codes are affected by the adopted rules.

The legislation that enacted the statutory authority under which the adopted rules are to be adopted is Senate Bill 3070, 89th Legislature, Regular Session (2025).

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

Filed with the Office of the Secretary of State on November 10, 2025.

TRD-202504085

Doug Jennings

General Counsel

Texas Department of Licensing and Regulation

Effective date: December 1, 2025

Proposal publication date: September 19, 2025

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



TITLE 19. EDUCATION

PART 2. TEXAS EDUCATION AGENCY

CHAPTER 76. EXTRACURRICULAR ACTIVITIES

SUBCHAPTER AA. COMMISSIONER'S RULES

19 TAC §76.1001

The Texas Education Agency (TEA) adopts an amendment to §76.1001, concerning extracurricular activities. The amendment is adopted without changes to the proposed text as published in the June 6, 2025 issue of the *Texas Register* (50 TexReg 3341) and will not be republished. The adopted amendment increases the number of activities in which a student may participate from one activity to two activities per school week.

REASONED JUSTIFICATION: Texas Education Code (TEC), §7.055(b)(41), requires the commissioner of education to adopt rules relating to extracurricular activities under TEC, §33.081, which limits the participation in and practice for extracurricular activities during the school day and the school week and establishes the parameters and exemptions of student participation in an extracurricular activity or a University Interscholastic League competition.

Section 76.1001(d) establishes limitations on participation in and practice for extracurricular activities during the school day and school week.

Currently, students are limited to participating in no more than one extracurricular activity per school week, excluding holidays. There are exceptions for tournaments or post-district contests, as well as contests postponed by weather or public disaster that may determine advancement to a post-district level of competition. TEA received a request to change the rule to allow students to participate in up to two activities per school week, and the request was approved. The adopted amendment allows students to participate in up to two activities per school week with the listed exceptions.

SUMMARY OF COMMENTS AND AGENCY RESPONSES: The public comment period on the proposal began June 6, 2025, and ended July 7, 2025. Following is a summary of public comments received and agency responses.

Comment: Two community members, an administrator, and a representative from higher education expressed support for the proposed amendment to allow schools to play two games per school week because it would provide more flexibility in scheduling and help the current officiating shortage.

Response: The agency agrees that allowing students to participate in up to two games per school week provides districts and sports officials with additional flexibility in scheduling extracurricular activities.

Comment: One community member stated the proposed amendment would greatly help Texas Association of Sports Officials (TASO) Soccer with the ability to supply full crews to all contests.

Response: The agency agrees that allowing students to participate in up to two games per school week provides school districts and TASO with additional flexibility in scheduling extracurricular activities and ensuring events are appropriately staffed.

Comment: One community member, an administrator, and a representative from higher education stated that the proposed amendment to allow students to play up to two games per school week provides flexibility that benefits students in addition to the school districts.

Response: The agency agrees that in addition to providing flexibility for school districts in scheduling extracurricular activities, allowing students to participate in up to two games per school week has benefits for students.

Comment: One school counselor stated that students already miss a great deal of school and core classroom instruction for extracurricular events, and the proposed amendment would allow students to potentially miss four or five days during the school week.

Response: The agency disagrees that the proposed amendment to increase the number of extracurricular activities in which a student can participate during the school week from one day to two days would allow a student to miss four or five days of classroom instruction during the school week. TEC, §25.092, requires students to be in attendance for a minimum of 90% of the days a class is offered in order to receive class credit or a final grade. A student participating in any number of extracurricular activities in a school week must still meet the minimum attendance requirement.

STATUTORY AUTHORITY. The amendment is adopted under Texas Education Code (TEC), §7.055(b)(41), which requires the commissioner of education to adopt rules relating to extracurricular activities under TEC, §33.081, which limits the participation in and practice for extracurricular activities during the school day and the school week and establishes the parameters and exemptions of student participation in an extracurricular activity or a University Interscholastic League competition as they relate to student grades.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code, §7.055(b)(41).

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 November 10, 2025.

TRD-202504075

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Effective date: November 30, 2025

Proposal publication date: June 6, 2025

For further information, please call: (512) 475-1497



TITLE 22. EXAMINING BOARDS

PART 5. STATE BOARD OF DENTAL EXAMINERS

CHAPTER 103. DENTAL HYGIENE LICENSURE

22 TAC §103.2

The State Board of Dental Examiners (Board) adopts this amendment to 22 TAC §103.2, pertaining to dental hygiene licensure by examination. The amendment is adopted without changes to the proposed text as published in the September 12, 2025, issue of the *Texas Register* (50 TexReg 6003) and will not be republished. The adopted amendment changes the remediation requirements by (1) allowing applicants to take a remediation course before or after passing an examination to give applicants flexibility on when to take the course, and (2) allowing Board staff to approve the remediation course.

No comments were received regarding adoption of this rule.

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

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 November 7, 2025.

TRD-202504066

Lauren Studdard

General Counsel

State Board of Dental Examiners

Effective date: November 27, 2025

Proposal publication date: September 12, 2025

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



CHAPTER 108. PROFESSIONAL CONDUCT SUBCHAPTER A. PROFESSIONAL RESPONSIBILITY

22 TAC §108.16

The State Board of Dental Examiners (Board) adopts this amendment to 22 TAC §108.16, pertaining to teledentistry. The amendment is adopted without changes to the proposed text as published in the September 12, 2025, issue of the *Texas Register* (50 TexReg 6004) and will not be republished. The adopted rule specifies the informed consent documentation that is required when licensees perform teledentistry dental services. The Board adopts this rule in accordance with House Bill 1700 of the 89th Texas Legislature, Regular Session (2025), and Chapter 111, Texas Occupations Code.

The American Association of Orthodontists (AAO) and Texas Association of Orthodontists (TAO) submitted a written comment in support of adoption of the rule as proposed. They state that the rule appropriately ensures that patients are clearly informed of the nature, risks, benefits, and limitations of remote dental care, and that such consent is documented in a manner that is consistent with the ethical and professional standards of the dental profession. No changes to this rule were made as a result of the comment.

This rule is adopted under Texas Occupations Code §254.001(a), which gives the Board authority to adopt rules necessary to perform its duties and ensure compliance with state laws relating to the practice of dentistry to protect the public health and safety, and under Chapter 111, Texas Occupations Code.

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

Filed with the Office of the Secretary of State on November 7, 2025.

TRD-202504065

Lauren Studdard

General Counsel

State Board of Dental Examiners

Effective date: November 27, 2025

Proposal publication date: September 12, 2025

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



PART 11. TEXAS BOARD OF NURSING CHAPTER 217. LICENSURE, PEER ASSISTANCE AND PRACTICE

22 TAC §217.5, §217.9

The Texas Board of Nursing (Board) adopts amendments to 22 Texas Administrative Code §217.5, relating to Temporary License and Endorsement, and §217.9, relating to Inactive and Retired Status without changes to the proposed text published in the September 19, 2025, issue of the *Texas Register* (50 TexReg 6186). The rules will not be republished.

REASONED JUSTIFICATION. In 2019, the Texas Legislature enacted S.B. 1200, creating Texas Occupations Code §55.0041, which recognizes out-of-state occupational licenses for the spouse of a military service member. This provision facilitates the portability of licenses, allowing military spouses to maintain their careers when relocating due to military assignments without the need to re-do coursework or testing for licensure in each new state.

In 2021, during the 87th Regular Legislative Session, the Legislature amended Texas Occupations Code §55.0041 through the enactment of H.B. 139. This amendment required state agencies that issue licenses with residency requirements to adopt rules specifying the documentation needed by military spouses to establish residency for licensure purposes. It also allowed the submission of a military spouse's Permanent Change of Station (PCS) orders to establish eligibility.

During the 88th Legislative Session, S.B. 422 further amended §55.0041, expanding the scope of the occupational licensing reciprocity to include military service members. This change allows service members who frequently relocate to continue providing services, such as nursing, in Texas even when they have been licensed in another state, helping address workforce shortages.

In 2025, H.B. 5629 was enacted during the 89th Regular Legislative Session, making additional revisions to §55.004 and §55.0041. This legislation specifies the criteria for licensure, requiring that military service members or their spouses hold a current, out-of-state license similar in scope to Texas licensure and remain in good standing with the original state's licensing authority. The bill also specifies required documentation for applicants, including military orders, marriage certificates for spouses, and notarized affidavits. Furthermore, H.B. 5629 mandates that state agencies process military-related licensure applications within 10 business days and maintain a record of complaints made against military service members, veterans, or spouses who hold or are applying for licensure. Complaints are to be posted on the agency's website quarterly.

As Texas is a member of the Enhanced Nurse Licensure Compact (eNLC), which facilitates multistate practice for nurses in 43 states, this compact does not require the additional documentation specified in H.B. 5629. However, for military service members and spouses who do not hold a multistate license, the amendments clarify the process for licensure under §55.0041.

The Board commends the Legislature for streamlining the licensure process for military families seeking to practice nursing in Texas. In response, the Board adopts the proposed amendments to operationalize the requirements in H.B. 5629.

Additionally, the Board adopts amendments to 22 Texas Administrative Code §217.9 related to inactive and retired licensure status. These changes are necessary to update the rules to align with current practices and to allow for online licensure status changes, improving efficiency for both the agency and license holders.

PUBLIC COMMENT. The Board received no comments on the proposed rules.

STATUTORY AUTHORITY. These amendments are adopted under the authority of the Texas Occupations Code §301.151. Texas Occupations Code § 301.151 addresses the general rulemaking authority of the Board to adopt and enforce rules consistent with Chapter 301 to perform its duties and conduct proceedings before the Board, regulate the practice of professional nursing and vocational nursing, establish standards of professional conduct for license holders under Chapter 301, and determine whether an act constitutes the act of professional nursing or vocational nursing. These amendments are necessary for compliance with statutory amendments found in Texas Occupations Code §55.004 and §55.0041.

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 November 10, 2025.

TRD-202504069

John Vanderford

Deputy General Counsel

Texas Board of Nursing

Effective date: November 30, 2025

Proposal publication date: September 19, 2025

For further information, please call: (512) 305-6879



PART 22. TEXAS STATE BOARD OF PUBLIC ACCOUNTANCY

CHAPTER 516. MILITARY SERVICE MEMBERS, SPOUSES AND VETERANS

22 TAC §516.1

The Texas State Board of Public Accountancy adopts an amendment to §516.1 concerning Definitions, without changes to the proposed text as published in the October 3, 2025 issue of the *Texas Register* (50 TexReg 6444) and will not be republished.

HB 5629 established new licensing accommodations for military members, their spouses and military veterans. The amended revision in this section eliminates no longer needed language and defines that these rules apply to Certified Public Accountants.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Public Accountancy Act (Act), Texas Occupations Code, §901.151 and §901.655 which provides the agency with the authority to amend, adopt and repeal rules deemed necessary or advisable to effectuate the Act.

No other article, statute or code is affected by the 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 November 6, 2025.

TRD-202504020
J. Randel (Jerry) Hill
General Counsel
Texas State Board of Public Accountancy
Effective date: November 26, 2025
Proposal publication date: October 3, 2025
For further information, please call: (512) 305-7842



22 TAC §516.2

The Texas State Board of Public Accountancy adopts an amendment to §516.2 concerning Licensing for Military Service Members, Military Veteran and Military Spouses, without changes to the proposed text as published in the October 3, 2025 issue of the *Texas Register* (50 TexReg 6445) and will not be republished.

The rule revision bundles the persons affected into one rule, requires the issuance of a license within 10 days of a complete application, directs the issuance of a license to a licensee of another state in good standing licensed as a CPA and defines good standing.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Public Accountancy Act (Act), Texas Occupations Code, §901.151 and §901.655 which provides the agency with the authority to amend, adopt and repeal rules deemed necessary or advisable to effectuate the Act.

No other article, statute or code is affected by the 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 November 6, 2025.

TRD-202504022
J. Randel (Jerry) Hill
General Counsel
Texas State Board of Public Accountancy
Effective date: November 26, 2025
Proposal publication date: October 3, 2025
For further information, please call: (512) 305-7842



22 TAC §516.3

The Texas State Board of Public Accountancy adopts a repeal to §516.3 concerning Licensing for Military Veterans, without changes to the proposed text as published in the October 3, 2025 issue of the *Texas Register* (50 TexReg 6447) and will not be republished.

Repeals no longer needed, duplicative language.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Public Accountancy Act (Act), Texas Occupations Code, §901.151 and §901.655 which provides the agency with the authority to amend, adopt and repeal rules deemed necessary or advisable to effectuate the Act.

No other article, statute or code is affected by the 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 November 6, 2025.

TRD-202504025
J. Randel (Jerry) Hill
General Counsel
Texas State Board of Public Accountancy
Effective date: November 26, 2025
Proposal publication date: October 3, 2025
For further information, please call: (512) 305-7842



22 TAC §516.4

The Texas State Board of Public Accountancy adopts an amendment to §516.4 concerning Accounting Practice by Military Service Members and Military Spouses, without changes to the proposed text as published in the October 3, 2025 issue of the *Texas Register* (50 TexReg 6448) and will not be republished.

The rule revision identifies the elements of an acceptable license application for military members, spouses and veterans eligible for the license.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Public Accountancy Act (Act), Texas Occupations Code, §901.151 and §901.655 which provides the agency with the authority to amend, adopt and repeal rules deemed necessary or advisable to effectuate the Act.

No other article, statute or code is affected by the 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 November 6, 2025.

TRD-202504027
J. Randel (Jerry) Hill
General Counsel
Texas State Board of Public Accountancy
Effective date: November 26, 2025
Proposal publication date: October 3, 2025
For further information, please call: (512) 305-7842



22 TAC §516.5

The Texas State Board of Public Accountancy adopts a new rule to §516.5 concerning Complaints, without changes to the proposed text as published in the October 3, 2025 issue of the *Texas Register* (50 TexReg 6449) and will not be republished.

The new legislation requires to the board to retain a copy of the licensee's complaint and make it available to the public.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Public Accountancy Act (Act), Texas Occupations Code, §901.151 and §901.655 which provides the agency with the authority to amend, adopt and repeal rules deemed necessary or advisable to effectuate the Act.

No other article, statute or code is affected by the 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 November 6, 2025.

TRD-202504028

J. Randel (Jerry) Hill

General Counsel

Texas State Board of Public Accountancy

Effective date: November 26, 2025

Proposal publication date: October 3, 2025

For further information, please call: (512) 305-7842



CHAPTER 521. FEE SCHEDULE

22 TAC §521.14

The Texas State Board of Public Accountancy adopts an amendment to §521.14 concerning Eligibility Fee, without changes to the proposed text as published in the October 3, 2025 issue of the *Texas Register* (50 TexReg 6450) and will not be republished.

The revision deletes the four testing sections of licensing which are no longer applicable.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Public Accountancy Act (Act), Texas Occupations Code, §901.151 and §901.655 which provides the agency with the authority to amend, adopt and repeal rules deemed necessary or advisable to effectuate the Act.

No other article, statute or code is affected by the 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 November 6, 2025.

TRD-202504029

J. Randel (Jerry) Hill

General Counsel

Texas State Board of Public Accountancy

Effective date: November 26, 2025

Proposal publication date: October 3, 2025

For further information, please call: (512) 305-7842



PART 23. TEXAS REAL ESTATE COMMISSION

CHAPTER 531. CANONS OF PROFESSIONAL ETHICS AND CONDUCT

22 TAC §531.20

The Texas Real Estate Commission (TREC) adopts an amendment to 22 TAC §531.20, Information About Brokerage Services, with non-substantive changes to the form adopted by reference, but without changes to the rule, as published in the August 29, 2025, issue of the *Texas Register* (50 TexReg 5572) and will not be republished.

The changes to §531.20 and the form adopted by reference are made to reflect statutory changes enacted by the 89th Legislature in SB 1968, which becomes effective January 1, 2026. Currently, section 1101.558 of the Texas Occupations Code specifies certain information required to be in a notice license holders provide to consumers called the Information About Brokerage Services Notice (IABS). This section further requires the Commission to prescribe by rule the specific text of the IABS. SB 1968 adds additional information that must be described in the IABS: the basic obligations a broker has to a party to a real estate transaction that the broker does not represent. As a result, the language in the IABS has been updated to reflect changes as a result of SB 1968 and the form number listed in §531.20 has been updated.

In addition to these changes, the description of the contact information has been updated to better reflect current terminology.

Twenty comments were received on the proposed changes. The Executive Committee reviewed and discussed the comments. Four commenters were generally in support of the proposed changes. Fourteen commenters found the changes confusing and were concerned that the added language appeared to be conflicting. The Executive Committee discussed and determined that it is the underlying statutory changes leading to confusion, not the form. As a result, no changes will be made to the rule or form with one exception: one commenter pointed out a typographical error in the license holder contact information (an extra "name" should be removed and "Associate's" should be updated). The form is updated to reflect this correction.

The amendment is adopted under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102. The amendment is also adopted under Texas Occupations Code, §1101.558, which requires the Commission to prescribe the text of the IABS notice.

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 November 6, 2025.

TRD-202504015

Abby Lee

General Counsel

Texas Real Estate Commission

Effective date: January 1, 2026

Proposal publication date: August 29, 2025

For further information, please call: (512) 936-3057

◆ ◆ ◆

CHAPTER 535. GENERAL PROVISIONS

SUBCHAPTER A. DEFINITIONS

22 TAC §535.1

The Texas Real Estate Commission (TREC) adopts an amendment to 22 TAC §535.1, Definitions, in Chapter 535, General Provisions, without changes, as published in the August 29, 2025, issue of the *Texas Register* (50 TexReg 5573), and will not be republished.

The change to 22 TAC §535.1 is made to implement statutory changes enacted by the 89th Legislature in SB 1968, which becomes effective January 1, 2026. SB 1968 requires that associated brokers--also defined by the bill--provide the Commission the name of the broker they associate with and allows the Commission, through rulemaking, to provide notice of a complaint to another license holder associated with the respondent. As a result, the same definition found in SB 1968 is added to the §535.1 and the subsections are renumbered accordingly.

Two comments were received and both were in support of the change. The Executive Committee reviewed and recommended no changes.

The amendments are adopted under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102.

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 November 6, 2025.

TRD-202504016
Abby Lee
General Counsel
Texas Real Estate Commission
Effective date: January 1, 2026
Proposal publication date: August 29, 2025
For further information, please call: (512) 936-3057

◆ ◆ ◆

SUBCHAPTER B. GENERAL PROVISIONS RELATING TO THE REQUIREMENTS OF LICENSURE

23 TAC §535.5

The Texas Real Estate Commission (TREC) adopts amendments to 22 TAC §535.5, License Not Required, in Chapter 535, General Provisions, without changes, as published in the August 29, 2025, issue of the *Texas Register* (50 TexReg 5574) and will not be republished.

The amendments to §535.5 are made as a result of statutory changes enacted by the 89th Legislature in SB 1172. SB 1172 exempts additional types of transactions from license requirements under Chapter 1101, Occupations Code. The changes

modify existing exemption language related to employees of business entities and adds a reference to §1101.005 of the Texas Occupations Code (where the exemptions are located) for clarity.

One comment was received, but appeared to be submitted in error. The Executive Committee reviewed and has no recommended changes.

The amendments are adopted under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102.

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 November 6, 2025.

TRD-202504017
Abby Lee
General Counsel
Texas Real Estate Commission
Effective date: November 26, 2025
Proposal publication date: August 29, 2025
For further information, please call: (512) 936-3057

◆ ◆ ◆

22 TAC §535.21

The Texas Real Estate Commission (TREC) adopts amendments to 22 TAC §535.21, Mailing Address and Other Contact Information, in Chapter 535, General Provisions, without changes, as published in the August 29, 2025, issue of the *Texas Register* (50 TexReg 5575) and will not be republished.

The changes to §535.21 are made to implement statutory changes enacted by the 89th Legislature in SB 1968, which becomes effective January 1, 2026. SB 1968 adds that license holders must provide the Commission with certain business contact information, like a business address and a business phone number. Furthermore, SB 1968 requires that associated brokers provide the Commission the name of the broker they associate with. The changes to §535.21 reflect these additions and add that this information will be provided through a process acceptable to the Commission.

One comment was received and was in support of the changes. The Executive Committee reviewed and has no recommended changes.

The amendments are adopted under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102.

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 November 6, 2025.

TRD-202504018

Abby Lee

General Counsel

Texas Real Estate Commission

Effective date: January 1, 2026

Proposal publication date: August 29, 2025

For further information, please call: (512) 936-3057



SUBCHAPTER E. REQUIREMENTS FOR LICENSURE

22 TAC §535.56

The Texas Real Estate Commission (TREC) adopts amendments to 22 TAC §535.56, Education and Experience Requirements for a Broker License, in Chapter 535, General Provisions, without changes, as published in the August 29, 2025, issue of the *Texas Register* (50 TexReg 5576) and will not be republished.

The changes to §535.56(a)(1)(B)(ii) and (a)(1)(C) are made as a result of statutory changes enacted by the 89th Legislature in SB 1968, which becomes effective January 1, 2026. SB 1968 modifies the requirements surrounding the Commission's Broker Responsibility Course. Under the language of the bill, all brokers must take the course, regardless of whether they sponsor sales agents. Additionally, applicants for a broker license must complete the course prior to licensure. The changes to these provisions reflect the statutory changes.

The change to subsection (e) of §535.56 is made as a result of the agency's license management system project. Because of this project, users will be able to access and provide information to the agency through an online process, rather than by submitting a paper form. As a result, the rule language is clarified to reflect this change.

The remainder of the changes to the rule and the form adopted by reference (Supplement A-Qualifying Experience Report for a Broker License) are recommended by the Commission's Broker Responsibility Advisory Committee (BRAC). Currently, in order to obtain a broker's license, an applicant must satisfy certain education and experience requirements. In terms of education, an applicant must complete 270 hours of qualifying real estate courses and 630 hours of real estate related education. Currently, a bachelor's degree or higher is deemed to satisfy the 630 hours of real estate related education. In addition to the education requirements, applicants must also have at least four years of active experience during the five years preceding the filing of the application, which must total a minimum of 360 experience points.

In recognition of the importance of experience for a broker applicant, the changes increase the minimum experience points required to obtain a broker license from 360 to 720 experience points. Because there is no limitation on the subject matter of the bachelor's degree, which may not be related to real estate, the changes also cap the real estate related education credit given for a bachelor's degree at 300 hours, instead of the full 630 hours. At the same time, again recognizing the importance of experience, the changes allow for the substitution of experience for education above and beyond the minimum 720 experi-

ence points. For any such experience, an applicant may receive a credit of up to 300 hours of the required 630 hours of real estate related education.

Next, the changes modify the language surrounding the property management experience calculation to a "per property per year" from just "per property" to better reflect industry practices. Finally, recognizing the importance of supervision and management experience, the changes modify the delegated supervision calculation to a points per transaction model (at three points per transaction), which will enable an applicant to accrue more points for this type of activity than is currently available under the rule.

Twenty-two comments were received and were reviewed by the Commission's Broker Responsibility Advisory Committee (BRAC). Eleven comments were generally in support of the proposed changes, with one of these commenters desiring a specific college degree in real estate. One commenter asked a question about the effective date of the changes. The remaining ten comments expressed some opposition to the proposed changes. Of these comments, several didn't like the blanket credit for the bachelor's degree, desired that the credit be given only when the degree is in a real estate related field, or wanted only partial credit be given when the degree is not in a real estate field. Several of the comments also expressed concern about the doubling of the experience points required to obtain a license. BRAC discussed the comments and ultimately decided to recommend no changes be made to the proposal. Because the issues raised in the comments had already been thoroughly discussed by BRAC during the formation of this proposal, they concluded that the proposal struck the appropriate balance between recognizing the importance of experience in the preparation of a broker license applicant and providing an alternate path forward for those who may find the education requirements burdensome.

The amendments are adopted under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102. The amendments are also adopted under Texas Occupations Code §1101.356, which allows the Commission to establish what constitutes active experience and what education is required for a broker's license by rule.

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

Filed with the Office of the Secretary of State on November 6, 2025.

TRD-202504033

Abby Lee

General Counsel

Texas Real Estate Commission

Effective date: January 1, 2026

Proposal publication date: August 29, 2025

For further information, please call: (512) 936-3057



22 TAC §535.58

The Texas Real Estate Commission (TREC) adopts amendments to 22 TAC §535.58, License for Military Service Members, Veterans, or Military Spouses, in General Provisions, without changes, as published in the August 29, 2025, issue of the *Texas Register* (50 TexReg 5578) and will not be republished.

The changes are made as a result of statutory changes enacted by the 89th Legislature in HB 5629 and SB 1818, which both became effective September 1, 2025. Both bills modify several provisions in Chapter 55 of the Texas Occupations Code relating to occupational licensing of military service members, military veterans, and military spouses. SB 1818 requires that a state agency promptly issue either a provisional license or a license. HB 5629 modifies the language to require a state agency to issue a license to an applicant that is a military service member, veteran, or spouse and who holds a current license issued by another state that is similar in scope of practice to the license being sought and is in good standing (a defined term) with that state's licensing authority. HB 5629 also modifies the procedure for out-of-state license recognition under §55.0041, Occupations Code. Finally, HB 5629 changes the time period within which a state agency must issue the license, from 30 days to 10 business days from the filing of the application. The amendments to §535.58 are made to reflect these changes.

One comment was received on the proposed changes. The commenter requested that these individuals be required to take a Texas licensing exam. The Executive Committee discussed the comment, but recommended no changes as the proposal is based on statutory requirements.

The amendments are adopted under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102. The amendments are also proposed under Texas Occupations Code, §§55.004 and 55.0041, including as amended by HB 5629 and SB 1818, which require the issuance of licenses under certain parameters to military service members, military veterans, or military spouses.

The statutes affected by this proposal are Texas Occupations Code, Chapters 1101 and 1102. No other statute, code or article is affected by the proposed 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 November 6, 2025.

TRD-202504019
Abby Lee
General Counsel
Texas Real Estate Commission
Effective date: November 26, 2025
Proposal publication date: August 29, 2025
For further information, please call: (512) 936-3057



SUBCHAPTER F. REQUIREMENTS FOR EDUCATION PROVIDERS, COURSES

AND INSTRUCTORS FOR QUALIFYING EDUCATION

22 TAC §535.61, §535.66

The Texas Real Estate Commission (TREC) adopts amendments to 22 TAC §535.61, Approval of Providers of Qualifying Courses and §535.66, Credit for Courses Offered by Accredited Colleges or Universities, in Chapter 535, General Provisions, without changes, as published in the September 19, 2025, issue of the *Texas Register* (50 TexReg 6189) and will not be republished.

The amendments to §535.61 and §535.66 are made as a result of SB 1968, enacted by the 89th Legislature, which is effective January 1, 2026. SB 1968 adds that public high schools are exempted from qualifying education provider requirements, like accredited colleges and universities. As a result, the term "public high school" is added and clarifying changes are made to rule provisions related to the existing accredited college and university exemption to accommodate this addition.

Clarifying changes are also made in §535.66(c)(1) to mirror the changes to the definition of qualifying real estate courses in §1101.003, Occupations Code, made by SB 1968.

No comments were received on the amendments as published.

The amendments are adopted under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102. The amendments are also adopted under Texas Occupations Code §1101.301, which authorizes rulemaking related to qualifying education providers and courses.

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 November 6, 2025.

TRD-202504021
Abby Lee
General Counsel
Texas Real Estate Commission
Effective date: January 1, 2026
Proposal publication date: September 19, 2025
For further information, please call: (512) 936-3057



SUBCHAPTER G. REQUIREMENTS FOR CONTINUING EDUCATION PROVIDERS, COURSES AND INSTRUCTORS

22 TAC §535.75

The Texas Real Estate Commission (TREC) adopts amendments to 22 TAC §535.75, Responsibilities and Operations of Continuing Education Providers, in Chapter 535, General Provisions, without changes, as published in the September 19, 2025, issue of the *Texas Register* (50 TexReg 6193) and will not be republished.

The changes add "public high school" as an exempted continuing education provider to mirror the changes made by SB 1968, enacted by the 89th Legislature, which becomes effective January 1, 2026. SB 1968 adds that public high schools are exempted from qualifying education provider requirements, like accredited colleges and universities. As a result, a public high school is also added to §535.75 for consistency in the rules, as well as agency practices.

No comments were received on the amendments as published.

The amendments are adopted under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102.

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 November 6, 2025.

TRD-202504023

Abby Lee

General Counsel

Texas Real Estate Commission

Effective date: January 1, 2026

Proposal publication date: September 19, 2025

For further information, please call: (512) 936-3057



SUBCHAPTER I. LICENSE RENEWAL

22 TAC §535.92

The Texas Real Estate Commission (TREC) adopts amendments to 22 TAC §535.92, Continuing Education Requirements, in Chapter 535, General Provisions, without changes, as published in the August 29, 2025, issue of the *Texas Register* (50 TexReg 5580) and will not be republished.

The changes are made as a result of statutory changes enacted by the 89th Legislature in SB 1968, which becomes effective January 1, 2026. SB 1968 modifies the requirements surrounding the Commission's Broker Responsibility Course. Under the language of the bill, all brokers must take the course, regardless of whether they sponsor sales agents. The changes to these provisions reflect the statutory changes.

Three comments were received on the proposal and they were all in support of the change. The Executive Committee reviewed and had no additional changes to the proposal.

The amendments are adopted under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102. The amendments are also adopted under Texas Occupations Code §1101.458, which requires the Commission to prescribe by rule the title, content, and duration of the broker responsibility course.

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

Filed with the Office of the Secretary of State on November 6, 2025.

TRD-202504026

Abby Lee

General Counsel

Texas Real Estate Commission

Effective date: January 1, 2026

Proposal publication date: August 29, 2025

For further information, please call: (512) 936-3057



SUBCHAPTER N. SUSPENSION AND REVOCATION OF LICENSURE

22 TAC §535.141

The Texas Real Estate Commission (TREC) adopts amendments to 22 TAC §535.141, Initiation of Investigation, in Chapter 535, General Provisions, without changes, as published in the August 29, 2025, issue of the *Texas Register* (50 TexReg 5582) and will not be republished.

The amendments are made as a result of statutory changes enacted by the 89th Legislature in SB 1968, which becomes effective January 1, 2026. SB 1968 authorizes the Commission to provide the complaint notice sent to the respondent (the person who is the subject of a complaint) to another license holder who is associated with that respondent. The bill further provides that the Commission must adopt rules to specify who may receive this notice. The changes add that a copy of a complaint notice will be sent to the broker or inspector who sponsors the respondent, as applicable, if the respondent is a sales agent or apprentice or real estate inspector, or a broker who is associated with the respondent, if the respondent is an associated broker.

The proposal was recommended by the Enforcement Committee.

One comment in support of the changes was received. The Executive Committee reviewed the comment and has no additional recommendations.

The amendments are adopted under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102. The amendments are also adopted under Texas Occupations Code §1101.204, as amended by SB 1968, which requires the Commission to adopt rules to specify the persons who may receive the complaint notice.

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 November 6, 2025.

TRD-202504030

Abby Lee
General Counsel
Texas Real Estate Commission
Effective date: January 1, 2026
Proposal publication date: August 29, 2025
For further information, please call: (512) 936-3057



SUBCHAPTER Q. ADMINISTRATIVE PENALTIES

22 TAC §535.191

The Texas Real Estate Commission (TREC) adopts amendments to 22 TAC §535.191, Schedule of Administrative Penalties, in Chapter 535, General Provisions, without changes, as published in the August 29, 2025, issue of the *Texas Register* (50 TexReg 5583) and will not be republished.

Commission rule §535.191 contains the schedule of administrative penalties, as required by §1101.702, Occupations Code. The rule contains three tiers of administrative penalty ranges: (i) \$100 - \$1,500 per violation per day; (ii) \$500 - \$3,000 per violation per day; and (iii) \$1,000 - \$5,000 per violation per day. Violations of applicable law and Commission rules are categorized within these tiers in accordance with §1101.702. Whether an administrative penalty is ultimately assessed and at what amount is determined in accordance with this statute and §535.191.

The amendment to §535.191(c)(8) is made as a result of statutory changes enacted by the 89th Legislature in SB 1968, which becomes effective January 1, 2026. SB 1968 adds a requirement for a written agreement with a prospective buyer of residential real property to Chapter 1101 of the Texas Occupations Code. The bill also adds the Commission may take disciplinary action if there is a violation of this requirement. In accordance with §1101.702, this new violation is added to subsection (c)(8) - the \$100 - \$1,500 per violation per day penalty tier.

The amendment to §535.191(c)(9) is also made as a result of SB 1968. SB 1968 requires that associated brokers provide the Commission the name of the broker they associate with. As a result, a new subsection is to be added to Commission rule §535.21, Mailing Address and Other Contact Information, to reflect this requirement. The removal of the reference to subsection (a) in §535.191(c)(9) means that any violation of §535.21 - including the new associated broker requirement - will fall into the first tier penalty range.

A clarifying change is made to subsection (e)(18) because of a corresponding change to §535.141, Initiation of Investigation; Order Requirements, which adds a new subsection related to SB 1968 and complaint notices.

Finally, existing violations associated with easement or right-of-way agents were added to subsections (c)(18)-(19), (d)(18)-(19), and (e)(21)-(22) and are categorized according to the criteria set forth in §1101.702.

The Commission's Enforcement Committee recommended the changes.

No comments were received on the proposed amendments.

The amendments are adopted under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and

ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102. The amendment is also adopted under Texas Occupations Code, §1101.702, which requires the Commission adopt by rule a schedule of administrative penalties.

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 November 6, 2025.

TRD-202504031
Abby Lee
General Counsel
Texas Real Estate Commission
Effective date: January 1, 2026
Proposal publication date: August 29, 2025
For further information, please call: (512) 936-3057



SUBCHAPTER T. EASEMENT OR RIGHT-OF-WAY AGENTS

22 TAC §535.405

The Texas Real Estate Commission (TREC) adopts amendments to 22 TAC §535.405, Employee of Owner or Purchaser, in Chapter 535, General Provisions, without changes, as published in the August 29, 2025, issue of the *Texas Register* (50 TexReg 5585) and will not be republished.

The amendments to §535.405 are made as a result of statutory changes enacted by the 89th Legislature in SB 1172. SB 1172 exempts additional types of transactions from license requirements under Chapter 1101, Occupations Code. The changes modify existing exemption language related to employees of owners or purchasers and adds a reference to §1101.005 of the Texas Occupations Code (where the exemptions are located) for clarity.

One comment was received; however, the comment appeared to be referencing a separate statutory provision related to a business entity registration that is not applicable to the proposed changes. As a result, the Executive Committee recommended no changes.

The amendments are adopted under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102.

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 November 6, 2025.

TRD-202504032

Abby Lee
General Counsel
Texas Real Estate Commission
Effective date: November 26, 2025
Proposal publication date: August 29, 2025
For further information, please call: (512) 936-3057



CHAPTER 537. PROFESSIONAL AGREEMENTS AND STANDARD CONTRACTS

22 TAC §537.26, §537.27

The Texas Real Estate Commission (TREC) adopts amendments to 22 TAC §537.26 Standard Contract Form TREC No. 15-6, Seller's Temporary Residential Lease; and §537.27 Standard Contract Form TREC No. 16-6, Buyer's Temporary Residential Lease, in Chapter 537, Professional Agreements and Standard Contracts, without changes as published in the August 29, 2025, issue of the *Texas Register* (50 TexReg 5586), and will not be republished.

Each of the rules correspond to contract forms adopted by reference. Texas real estate license holders are generally required to use forms promulgated by TREC when negotiating contracts for the sale of real property. These forms are drafted and recommended for adoption by the Texas Real Estate Broker-Lawyer Committee, an advisory body consisting of six attorneys appointed by the President of the State Bar of Texas, six brokers appointed by TREC, and one public member appointed by the governor. The Texas Real Estate Broker-Lawyer Committee recommended revisions to the contract forms adopted by reference under the amendments.

The changes to the Buyer's Temporary Residential Lease and the Seller's Temporary Residential Lease are made as a result of SB 2349, enacted by the 89th Legislature, which became effective September 1, 2025. The bill clarifies that the flood notice is not required to be provided with the temporary residential leases. As a result, the paragraph referencing that requirement in the temporary residential leases is removed.

One comment was received regarding the Seller's Temporary Lease, two comments were received regarding the Buyer's Temporary Lease, all of which were in support of the changes.

The amendments are adopted under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102. The amendments are also adopted under Texas Occupations Code, §1101.155, which authorizes the Commission to adopt rules in the public's best interest that require license holders to use contract forms prepared by the Texas Real Estate Broker-Lawyer Committee and adopted by the Commission.

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 November 6, 2025.

TRD-202504035
Abby Lee
General Counsel
Texas Real Estate Commission
Effective date: January 5, 2026
Proposal publication date: August 29, 2025
For further information, please call: (512) 936-3057



22 TAC §537.61

The Texas Real Estate Commission (TREC) adopts amendments to 22 TAC §537.61, Standard Contract Form TREC No. 54-0, Landlord's Floodplain and Flood Notice, in Chapter 537, Professional Agreements and Standard Contracts, without changes as published in the August 29, 2025, issue of the *Texas Register* (50 TexReg 5586), and will not be republished.

The rule corresponds to a contract form adopted by reference. Texas real estate license holders are generally required to use forms promulgated by TREC when negotiating contracts for the sale of real property. These forms are drafted and recommended for adoption by the Texas Real Estate Broker-Lawyer Committee, an advisory body consisting of six attorneys appointed by the President of the State Bar of Texas, six brokers appointed by TREC, and one public member appointed by the governor. The Texas Real Estate Broker-Lawyer Committee recommended revisions to the contract forms adopted by reference under the amendments.

The changes to the Landlord's Floodplain and Flood Notice are made as a result of SB 2349, enacted by the 89th Legislature, which became effective September 1, 2025. The bill clarifies that the flood notice is not required to be provided with the temporary residential leases. As a result, the notice at the top of the Landlord's Floodplain and Flood Notice is amended to state that the notice is not required with a "TREC Temporary Residential Lease".

One comment was received regarding the Landlord's Floodplain and Flood Notice which was in support of the changes.

The amendments are adopted under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102. The amendments are also adopted under Texas Occupations Code, §1101.155, which authorizes the Commission to adopt rules in the public's best interest that require license holders to use contract forms prepared by the Texas Real Estate Broker-Lawyer Committee and adopted by the Commission.

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 November 6, 2025.

TRD-202504036

Abby Lee
General Counsel
Texas Real Estate Commission
Effective date: November 26, 2025
Proposal publication date: August 29, 2025
For further information, please call: (512) 936-3057



CHAPTER 543. RULES RELATING TO THE PROVISIONS OF THE TEXAS TIMESHARE ACT

22 TAC §543.5

The Texas Real Estate Commission (TREC) adopts amendments to 22 TAC §543.5, Forms, in Chapter 543, Rules Relating to the Provisions of the Texas Timeshare Act, without changes, as published in the August 29, 2025, issue of the *Texas Register* (50 TexReg 5588) and will not be republished.

The amendments to §543.5 are made as a result of the agency's license management system project. Because of the license management system project, users will be able to provide more information and make payment to the agency utilizing an online process, rather than by submitting a paper form or check. As a result, the rule language is clarified to reflect this change. This includes the removal of references to most of the forms listed in §543.5 (the Consent to Service of Process form adopted by reference is updated with a new title to differentiate the form from other consent forms and contains terminology changes).

One comment was received and reviewed by the Executive Committee; however, the comment discusses unrelated Commission contract forms. As a result, the Executive Committee recommended no changes.

The changes are adopted under the Texas Property Code, §221.024, which authorizes the Texas Real Estate Commission to prescribe and publish forms and adopt rules necessary to carry out the provisions of The Texas Timeshare Act.

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 November 6, 2025.

TRD-202504037
Abby Lee
General Counsel
Texas Real Estate Commission
Effective date: November 26, 2025
Proposal publication date: August 29, 2025
For further information, please call: (512) 936-3057



22 TAC §543.13

The Texas Real Estate Commission (TREC) adopts amendments to 22 TAC §543.13, Renewal of Registration in Chapter 543, Rules Relating to the Provisions of the Texas Timeshare Act, without changes, as published in the September 19, 2025, issue of the *Texas Register* (50 TexReg 6194), and will not be republished.

Currently, Commission rule §543.4, Fees, requires a timeshare developer seeking to reinstate an expired registration of a timeshare plan, to pay certain fees in order to do so. The amendments to §543.13 establish a corresponding reinstatement process for consistency within the timeshare rules and with rules related to other license types.

No comments were received on the proposed amendments.

The amendments are adopted under the Texas Property Code, §221.024, which authorizes the Texas Real Estate Commission to prescribe and publish forms and adopt rules necessary to carry out the provisions of The Texas Timeshare Act.

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 November 6, 2025.

TRD-202504038
Abby Lee
General Counsel
Texas Real Estate Commission
Effective date: November 26, 2025
Proposal publication date: September 19, 2025
For further information, please call: (512) 936-3057



TITLE 25. HEALTH SERVICES

PART 1. DEPARTMENT OF STATE HEALTH SERVICES

CHAPTER 1. MISCELLANEOUS PROVISIONS

The executive commissioner of the Texas Health and Human Services Commission (HHSC), on behalf of the Department of State Health Services (DSHS), adopts the repeal of §1.81, concerning Recognition of Out-of-State License of a Military Service Member and Military Spouse, and §1.91, concerning Alternative Licensing for Military Service Members, Military Spouses, and Military Veterans; and new §1.81, concerning Recognition of Out-of-State License of a Military Service Member or Military Spouse, and §1.91, concerning Alternative Licensing for Military Service Members, Military Spouses, and Military Veterans.

Sections 1.81 and 1.91 are adopted without changes to the proposed text as published in the September 19, 2025, issue of the *Texas Register* (50 TexReg 6195). These rules will not be republished.

BACKGROUND AND JUSTIFICATION

The repeals and new sections are necessary to comply with Senate Bill (SB) 1818 and House Bill (HB) 5629, 89th Regular Session, 2025.

SB 1818 amends Texas Occupations Code (TOC) §55.004 and §55.0041 to allow a military service member, a military veteran, or a military spouse to receive a provisional license upon receipt of a complete application, if the applicant meets the existing criteria outlined in TOC §55.004 or §55.0041. To qualify, the applicant must hold a current license in good standing from another jurisdiction with licensing requirements similar in scope to those in Texas.

HB 5629 amends Texas Occupations Code §55.004 and §55.0041 to require state agencies to recognize out-of-state licenses that are in good standing and similar in scope of practice to a Texas license, and to issue a corresponding Texas license. The bill also changes the documentation required in an application, shortens the time by which the agency must process an application, and defines "good standing."

COMMENTS

The 31-day comment period ended October 20, 2025.

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

SUBCHAPTER F. LICENSURE EXEMPTIONS

25 TAC §1.81

STATUTORY AUTHORITY

The repeal is adopted under Texas Government Code §524.0151 and Texas Health and Safety Code §1001.075 which authorize the executive commissioner of HHSC to adopt rules for the operation and provision of health and human services by DSHS and for the administration of Texas Health and Safety Code Chapter 1001.

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 November 5, 2025.

TRD-202504009

Cynthia Hernandez

General Counsel

Department of State Health Services

Effective date: December 1, 2025

Proposal publication date: September 19, 2025

For further information, please call: (512) 834-6700



25 TAC §1.81

STATUTORY AUTHORITY

The new rule is adopted under Texas Government Code §524.0151 and Texas Health and Safety Code §1001.075 which authorize the executive commissioner of HHSC to adopt rules for the operation and provision of health and human services by DSHS and for the administration of Texas Health and Safety Code Chapter 1001.

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 November 5, 2025.

TRD-202504007

Cynthia Hernandez

General Counsel

Department of State Health Services

Effective date: December 1, 2025

Proposal publication date: September 19, 2025

For further information, please call: (512) 834-6700



SUBCHAPTER G. ALTERNATIVE LICENSING FOR MILITARY

25 TAC §1.91

STATUTORY AUTHORITY

The repeal is adopted under Texas Government Code §524.0151 and Texas Health and Safety Code §1001.075 which authorize the executive commissioner of HHSC to adopt rules for the operation and provision of health and human services by DSHS and for the administration of Texas Health and Safety Code Chapter 1001.

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 November 5, 2025.

TRD-202504008

Cynthia Hernandez

General Counsel

Department of State Health Services

Effective date: December 1, 2025

Proposal publication date: September 19, 2025

For further information, please call: (512) 834-6700



25 TAC §1.91

STATUTORY AUTHORITY

The new rule is adopted under Texas Government Code §524.0151 and Texas Health and Safety Code §1001.075 which authorize the executive commissioner of HHSC to adopt rules for the operation and provision of health and human services by DSHS and for the administration of Texas Health and Safety Code Chapter 1001.

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 November 5, 2025.

TRD-202504010

Cynthia Hernandez

General Counsel

Department of State Health Services

Effective date: December 1, 2025

Proposal publication date: September 19, 2025

For further information, please call: (512) 834-6700



TITLE 31. NATURAL RESOURCES AND CONSERVATION

PART 1. GENERAL LAND OFFICE

CHAPTER 15. COASTAL AREA PLANNING

SUBCHAPTER B. COASTAL EROSION PLANNING AND RESPONSE

31 TAC §15.41

The General Land Office (GLO) adopts the amendments to Texas Administrative Code, Title 31, Part 1, Subchapter B, §15.41. The amended rules are adopted without change to the proposed text as published in the August 15, 2025, issue of the *Texas Register* (50 TexReg 5309). The amended rules will not be republished.

The GLO identified the need for the amendments during its review of this subchapter's rules, conducted pursuant to Section 2001.039 of the Texas Government Code.

BACKGROUND AND SECTION ANALYSIS OF THE ADOPTED AMENDMENT TO §15.41

The purpose of the Coastal Erosion Planning and Response Act, Texas Natural Resources Code Sections 33.601-.613 (CEPRA), is to implement coastal erosion response projects, demonstration projects, and related studies to reduce the effects of coastal erosion and to understand the process of coastal erosion as it continues to threaten public beaches, natural resources, coastal development, public infrastructure, and public and private property. The funds are awarded to qualified project partners through a competitive application process in which all coastal resources funding applications are evaluated and scored by the GLO's CEPRA team. Selected projects are approved by the Commissioner.

The adopted amendments in 31 TAC §15.41 update citations to 31 TAC §501.26 in subsections 2(A)xvi and 2(B)(ix) to reflect changes made to that section in 2022. The citation relates to Policies for Construction in the Beach/Dune System which has been moved to 31 TAC §26.26(b). The adopted amendments do not make substantive changes to the rule. It replaces an old, repealed citation with the newest amended citation.

No public comments were received on the adopted rule amendments.

STATUTORY AUTHORITY

The amendments are adopted under Texas Natural Resources Code, §33.602(c) that provides the Commissioner of the GLO with the authority to adopt rules concerning coastal erosion as necessary to implement Texas Natural Resources Code, Chapter 33, Subchapter H.

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 November 4, 2025.

TRD-202503987

Jennifer Jones

Chief Clerk and Deputy Land Commissioner

General Land Office

Effective date: November 24, 2025

Proposal publication date: August 15, 2025

For further information, please call: (512) 475-1859



TITLE 34. PUBLIC FINANCE

PART 1. COMPTROLLER OF PUBLIC ACCOUNTS

CHAPTER 1. CENTRAL ADMINISTRATION

SUBCHAPTER C. ADMINISTRATION

34 TAC §1.201

The Comptroller of Public Accounts adopts new §1.201, concerning tuition reimbursement program, without changes to the proposed text as published in the July 25, 2025, issue of the *Texas Register* (50 TexReg 4337). The rule will not be republished.

New §1.201 establishes a process for authorizing and obtaining tuition reimbursement for comptroller employees, provides that comptroller designated funds may be used to reimburse employees for job-related training and education expenses, and provides that the comptroller may award time off for job related training and education.

Subsection (a) outlines the establishment and purpose and states that programs for the training and education of administrators and employees, including tuition reimbursement, materially aid effective state administration, and public money spent on those programs serves an important public purpose.

Subsection (b) provides the definitions of the term "training" and "tuition reimbursement."

Subsection (c) outlines employee eligibility for tuition reimbursement and/or approved time off during regular working hours.

Subsection (d) outlines the terms by which an employee would be ineligible to receive tuition reimbursement and/or approved time off during regular working hours.

Subsection (e) provides that the comptroller may establish limits to approved time off for course work.

Subsection (f) outlines the terms that may affect reimbursement and/or time off denials, caps on amounts reimbursed, allowable expenses, provides that an employee does not have a right to tuition reimbursement and/or time off, and provides that comptroller decisions regarding denials are final and not appealable. Subsection (f) also provides that before an employee of the agency may be reimbursed for tuition expenditures, the deputy comptroller must approve the tuition reimbursement payment.

The comptroller did not receive any comments regarding adoption of the amendment.

The amendments are adopted under Government Code, §656.048, which requires state agencies to adopt rules regarding training and education.

The amendments implement Government Code, §656.048.

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 November 4, 2025.

TRD-202503986

Don Neal

General Counsel, Operations and Support Legal Services

Comptroller of Public Accounts

Effective date: November 24, 2025

Proposal publication date: July 25, 2025

For further information, please call: (512) 475-2220



TITLE 37. PUBLIC SAFETY AND CORRECTIONS

PART 15. TEXAS FORENSIC SCIENCE COMMISSION

CHAPTER 651. DNA, CODIS, FORENSIC ANALYSIS, AND CRIME LABORATORIES SUBCHAPTER C. FORENSIC ANALYST LICENSING PROGRAM

37 TAC §651.222

The Texas Forensic Science Commission (Commission) adopts amendments to 37 Texas Administrative Code Chapter §651.222, Voluntary Licensure Forensic Analyst and Technician Licensing Requirements without changes to the text as published in the August 29, 2025 issue of the *Texas Register* (50 TexReg 5672). The rule will not be republished. The adoption: 1) permits latent print analysts working in unaccredited laboratories to fulfill the International Association for Identification certification requirement for licensure through successful completion of a competency exam administered by the Texas Division of the International Association for Identification or proctor approved by the Commission; and 2) qualifies crime scene reconstruction analysts with a high school diploma or equivalent degree for licensure.

Reasoned Justification for Rule. The adopted amendments qualify additional latent print analysts for a voluntary license by permitting latent print analysts working in unaccredited laboratories to take a competency exam administered by the Texas Division of the International Association for Identification or proctor approved by the Commission in lieu of a required International Association for Identification certification exam. The required certification exam is expensive and often difficult to achieve for personnel working in unaccredited crime laboratory settings, which are typically smaller law enforcement agencies without the funding necessary to sponsor candidates for supplemental trainings or certification exams. With regard to crime scene reconstruction analysts, many crime scene personnel have significant military and law enforcement experience that should qualify them for licensure in lieu of an associate's or other advanced degree. Allowing candidates for crime scene reconstruction analyst licensure who have achieved a high

school diploma or equivalent degree will permit these types of candidates to qualify for voluntary licensure by the Commission.

Summary of Comments. The public comment period on the rule proposal began on August 29, 2025, and ended October 10, 2025. The Commission did not receive any comments.

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

Cross reference to statute. Code of Criminal Procedure, Article 38.01§ 4-a(b).

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

Filed with the Office of the Secretary of State on November 5, 2025.

TRD-202503998

Leigh Tomlin

Associate General Counsel

Texas Forensic Science Commission

Effective date: November 25, 2025

Proposal publication date: August 29, 2025

For further information, please call: (512) 936-0661



TITLE 40. SOCIAL SERVICES AND ASSISTANCE

PART 12. TEXAS BOARD OF OCCUPATIONAL THERAPY EXAMINERS

CHAPTER 361. STATUTORY AUTHORITY

40 TAC §361.1

The Texas Board of Occupational Therapy Examiners adopts amendments to 40 Texas Administrative Code §361.1. Statutory Authority. The amendments cleanup the section. The amendments are adopted without changes to the proposed text as published in the August 29, 2025, issue of the *Texas Register* (50 TexReg 5677) and will not be republished.

The amendments to the section concern cleanups, including to replace, with regard to the location of the Board's practice act, an outdated reference to the Texas Civil Statutes with one to the Texas Occupations Code, the latter which is the current location of such.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Occupations Code §454.102, Rules, which authorizes the Board to adopt rules to carry out its duties under Chapter 454.

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 November 10, 2025.

TRD-202504077

Ralph A. Harper

Executive Director

Texas Board of Occupational Therapy Examiners

Effective date: December 1, 2025

Proposal publication date: August 29, 2025

For further information, please call: (512) 305-6900



CHAPTER 364. REQUIREMENTS FOR LICENSURE

40 TAC §§364.1 - 364.5

The Texas Board of Occupational Therapy Examiners adopts amendments to 40 Texas Administrative Code §364.1. Requirements for Licensure, §364.2. Initial License by Examination, §364.3. Temporary License, §364.4. Licensure by Endorsement, and §364.5. Recognition of Out-of-State License of Military Service Members and Military Spouses. The amendments revise the sections, including to cleanup and clarify the sections, make changes to enhance the alignment of the sections with the Board's new licensing system, revise requirements, in general, and amend the sections pursuant to House Bill 5629 and Senate Bill 1818 of the 89th Regular Legislative Session and the changes effective September 1, 2025, that were made by such to Texas Occupations Code Chapter 55. The amendments are adopted without changes to the proposed text as published in the August 29, 2025, issue of the *Texas Register* (50 TexReg 5678). The amendments will not be republished.

The amendments to the sections include cleanups and clarifications. For example, clarifying language is added, with regard to applications, that such are prescribed by the Board and cleanups include replacing "Examination" with "Exam" in §364.3, with regard to a form received from the National Board for Certification in Occupational Therapy (NBCOT).

Clarifications to the sections include a revision to §364.3(d) as well. The current §364.3(c)(3) already requires that to be issued a temporary license, an applicant must submit the form noted above, which must be sent directly to the Board by NBCOT and which reflects the eligibility window in which the applicant will take the examination. §364.3(d) also currently stipulates, correspondingly, that if the applicant fails the examination, fails to take the examination during the eligibility window as stated on the Confirmation of Examination Registration and Eligibility to Examine form from NBCOT, or fails to have the score reported, the temporary license is void and must be returned to the Board. The amendments will add to such the phrase "received pursuant to subsection (c)(3) of this section," with regard to the noted form. Such a clarification will add to the provision further emphasis that failure to take the examination during the eligibility window as stated on the form that was received prior to and as a condition for the issuance of the license will render the license void.

A clarification is also made to add language to §364.1(d)(1) to align such better with Texas Occupations Code §55.007, which

concerns the crediting, with regard to applicants with military experience, of verified military service, training, or education toward the licensing requirements, other than an examination requirement, for a license issued by the state agency. §55.007 includes that individuals with a restricted license or who have an unacceptable criminal history according to the law applicable to the state agency are not eligible for such a service and amendments to §364.1(d)(1) add related language.

The amendments, in addition, include revisions to better align the sections with the Board's new licensing system and facilitate a more efficient licensing process, for example, by requiring that those applying for a temporary license submit an application for such. This will assist the Board in obtaining necessary application materials and information and ensure that the section requires an application as, due to system components in the new system, the application for temporary licensure could no longer be embedded in the application for initial licensure.

A general change to the requirements in the sections pertains to removing the item in §364.1 concerning continuing an expired initial-licensing application for an additional year by submitting the application fee. The change to remove this process is made to increase the consistency in the rules and align such with the Board's other licensing applications, which expire after one year, after which time, a new, up-to-date application must be submitted. The change will ensure that applicants meet current application requirements and that the information and required items submitted for such are accurate and not outdated.

Changes are also made pursuant to the 89th Legislative Session and House Bill 5629 and Senate Bill 1818, which amend Texas Occupations Code Chapter 55. The changes, which address fee waivers, expedited services, complaint recording and publishing information, and licensure requirements for military service members, military veterans, and military spouses, and the recognition of an out-of-state license for a military service member and military spouse, will align the sections and requirements with the recent legislation.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Occupations Code §454.102, Rules, which authorizes the Board to adopt rules to carry out its duties under Chapter 454; §454.201, which requires that a person be licensed under Chapter 454 in order to practice occupational therapy; §454.202, which requires that the applicant for a license submit to the Board a written application on a form provided by the Board; §454.211, which authorizes the Board to provide for the issuance of a temporary license; §454.216, which authorizes the Board to issue a license by endorsement; and §454.301, which addresses Grounds for Denial of License or Discipline of License Holder.

The amendments are also adopted under the following sections of the Texas Occupations Code, as amended, as applicable, by House Bill 5629 and Senate Bill 1818 in the 89th Regular Legislative Session, which took effect September 1, 2025: §55.004, which establishes alternative licensure procedures; §55.005, which establishes expedited licensing services; §55.007, which establishes license eligibility requirements; §55.009, which establishes fee waivers for military service members, military veterans, and military spouses; and §55.0041, which establishes a recognition process for the out-of-state license of a military service member or military spouse.

The amendments are, additionally, adopted under the following sections, enacted by House Bill HB 5629, effective September 1, 2025: Texas Occupations Code §55.0042, which establishes criteria for the determination of good standing, and §55.0043, which establishes a recording and publication process regarding complaints concerning military service members, military spouses, and military veterans whose licenses are issued or out-of-state licenses are recognized under the chapter. The amendments, in addition, are adopted under Texas Occupations Code Chapter 53, which concerns consequences of a criminal conviction.

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 November 10, 2025.

TRD-202504078

Ralph A. Harper

Executive Director

Texas Board of Occupational Therapy Examiners

Effective date: December 1, 2025

Proposal publication date: August 29, 2025

For further information, please call: (512) 305-6900



CHAPTER 369. DISPLAY OF LICENSES

40 TAC §369.1

The Texas Board of Occupational Therapy Examiners adopts amendments to 40 Texas Administrative Code §369.1. Display of Licenses. The amendments cleanup and clarify the section and make changes to enhance the alignment of the section with the Board's new licensing system. The amendments are adopted without changes to the proposed text as published in the August 29, 2025, issue of the *Texas Register* (50 TexReg 5683) and will not be republished.

The amendments to the section include cleanups and clarifications. A cleanup is made, for instance, to remove language concerning a verification resource to match a similar change made elsewhere in the board rules as part of prior rulemaking and to align related online license verification information with other extant language in the board rules. With regard to fees for a replacement license, the amendments will clarify that such are set by the Executive Council of Physical Therapy and Occupational Therapy Examiners.

Amendments to the section also include further clarifications and better align the section with the Board's new licensing system, which will facilitate a more efficient license-replacement process. Currently, the section requires a written request for a replacement license and the Board provides a related form licensees may access on its website. The amendments will remove a reference to a written request and instead add language that requires a form as prescribed by the Board. The changes will assist the Board in ensuring that the necessary materials and information are submitted in a standardized format and align the rule better with the new licensing system, which requires an application for the online submission of a request.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Occupations Code §454.102, Rules, which authorizes the Board to adopt rules to carry out its duties under Chapter 454, and under §454.214, which requires a licensee to display the license.

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 November 10, 2025.

TRD-202504079

Ralph A. Harper

Executive Director

Texas Board of Occupational Therapy Examiners

Effective date: December 1, 2025

Proposal publication date: August 29, 2025

For further information, please call: (512) 305-6900



CHAPTER 370. LICENSE RENEWAL

40 TAC §§370.1 - 370.3

The Texas Board of Occupational Therapy Examiners adopts amendments to 40 Texas Administrative Code §370.1. License Renewal, §370.2. Late Renewal, and §370.3. Restoration of a Texas License. The amendments revise the sections, including to cleanup and clarify the sections and amend the sections pursuant to House Bill 5629 and Senate Bill 1818 of the 89th Regular Legislative Session and the changes effective September 1, 2025, that were made by such to Texas Occupations Code Chapter 55. The amendments are adopted without changes to the proposed text as published in the August 29, 2025, issue of the *Texas Register* (50 TexReg 5684) and will not be republished.

The amendments to the sections include cleanups and clarifications. For example, cleanups to §370.3 include removing references to specific sections of Chapter 367, Continuing Education, of the board rules and replacing such with references to the whole chapter. This will ensure that the references are up-to-date and that future changes to Chapter 367 that might relocate certain information to other areas of the chapter will not affect the continuing accuracy of §370.3.

The amendments also include clarifications, for example, by adding to the sections language such as "as prescribed by the Board," with regard to applications, and adding "Texas" in front of "Occupations Code" in §370.2.

Changes are also made pursuant to the 89th Regular Legislative Session and House Bill 5629 and Senate Bill 1818, which amend Texas Occupations Code Chapter 55. The changes, which address fee waivers, expedited services, and complaint recording and publishing information, with regard to military service members, military veterans, and military spouses, will align the sections and requirements with the recent legislation.

Pursuant to such, for example, a provision regarding fee waivers for military service members, military veterans, and military spouses is added to the section. Board rules require that individuals who were previously licensed in Texas and whose licenses

are expired one year or more restore a license, rather than apply for a new license. Such, for example, supports public protection by helping to ensure that individuals maintain the same license number, which allows for public licensure information, including any disciplinary action, to be associated with and searchable by the same license number for a certain license type. This allows the public to more easily access comprehensive licensing information concerning an individual. Correspondingly, though, as such individuals, as noted, are required to restore, fee waivers are added to the section for military service members, military veterans, and military spouses so that they may avail themselves of the waivers provided by amendments to Texas Occupations Code §55.009, which expand fee waivers for that cohort, pursuant to House Bill 5629.

A joint public comment was received from Angela Macauley, Interim President and CEO, and Barbara Williams, Vice President of External and Regulatory Affairs, on behalf of the National Board for Certification in Occupational Therapy (NBCOT). The comment expressed NBCOT's support and gratitude for the adopted changes to §370.3, which retain as one of the options for an individual whose license had been expired two years or more and who either is not currently licensed in another state or territory of the U.S. or who does not have two years of experience in occupational therapy in the U.S. military or a non-licensing state or territory of the U.S. immediately preceding the application for restoration the option of restoring the license by retaking the NBCOT certification examination.

The Board appreciates and agrees with NBCOT's comment and notes that changes regarding the restoration options for this cohort have not been amended as part of the proposal.

The amendments are adopted under Texas Occupations Code §454.102, Rules, which authorizes the Board to adopt rules to carry out its duties under Chapter 454. Specifically, the amendments to §370.2 and §370.3 are adopted under Texas Occupations Code §454.252, which requires that a person whose license has been expired less than one year may renew the license by paying the renewal fee and late fee set by the Executive Council of Physical Therapy and Occupational Therapy Examiners and which authorizes the Board to reinstate a license expired one year or more. The amendments to §370.3 are adopted under Texas Occupations Code §454.253, which authorizes the Board to renew the expired license of an individual licensed in another state and the amendments to §370.3 are adopted under Texas Occupations Code §454.254, which authorizes the Board to require license holders to attend continuing education courses specified by the Board.

The amendments are also adopted under the following sections of the Texas Occupations Code, as amended, as applicable, by House Bill 5629 and Senate Bill 1818 in the 89th Regular Legislative Session, which took effect September 1, 2025: §55.004, which establishes alternative licensure procedures; §55.005, which establishes expedited licensing services; and §55.009, which establishes fee waivers for military service members, military veterans, and military spouses.

The amendments are, additionally, adopted under the following sections, enacted by House Bill HB 5629, effective September 1, 2025: Texas Occupations Code §55.0042, which establishes criteria for the determination of good standing, and §55.0043, which establishes a recording and publication process regarding complaints concerning military service members, military spouses, and military veterans whose licenses are issued under the chapter.

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

Filed with the Office of the Secretary of State on November 10, 2025.

TRD-202504082

Ralph A. Harper

Executive Director

Texas Board of Occupational Therapy Examiners

Effective date: December 1, 2025

Proposal publication date: August 29, 2025

For further information, please call: (512) 305-6900



CHAPTER 371. INACTIVE AND RETIRED STATUS

40 TAC §371.1, §371.2

The Texas Board of Occupational Therapy Examiners adopts amendments to 40 Texas Administrative Code §371.1, Inactive Status, and §371.2, Retired Status. The amendments cleanup and clarify the sections and make changes to enhance the alignment of the sections with the agency's new licensing system and support a more efficient licensing process. The amendments are adopted without changes to the proposed text as published in the August 29, 2025, issue of the *Texas Register* (50 TexReg 5688) and will not be republished.

Cleanups include changes to §371.1 to combine the requirements to put a license on and renew a license on inactive status as the requirements for both are equivalent. Similar changes are made, with regard to retired status, to §371.2. Such changes will simplify the sections.

The amendments to the sections include clarifications. For example, language is added, with regard to applications, that such are prescribed by the Board. A further clarification concerns the duration a licensee may remain on inactive status. §371.1(a) already included that one may remain on inactive status for no more than six consecutive years, but corresponding text did not also appear before "three renewals"; and a renewal cycle is of a two-year duration. The amendments will replace "three renewals" with "three consecutive renewal cycles" so that the text will include "A licensee may remain on inactive status for no more than three consecutive renewal cycles or six consecutive years."

Amendments to the section also include further clarifications and better align the section with the Board's new licensing system. Currently, the sections include descriptive qualifiers such as "renewal application form" or "retired status form" with respect to certain forms required for licensing actions concerning changing or renewing certain licensing statuses. Such qualifiers are limiting and may serve as impediments to making the licensing process more efficient, for instance, by referencing certain application types that, due to changes in internal licensing software or capabilities, for example, may no longer accommodate or may not best accommodate such processes. Indeed, the agency's move to a new licensing system has created opportunities for the development of application processes that may make such functions more efficient and removing such qualifiers supports the more agile development of such.

The amendments also include the addition of a requirement that those seeking to return to active status from retired status submit a related application. The change will ensure that when such a request is submitted, the necessary information and materials are submitted for such, which will ensure a more efficient licensing process. Such will also facilitate the integration of this licensing action into the agency's new licensing system.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Occupations Code §454.102, Rules, which authorizes the Board to adopt rules to carry out its duties under Chapter 454, and §454.212, which allows for the Board to provide for a license holder to place the holder's license on inactive status.

The adopted amendments to §371.2 implement Texas Occupations Code §112.051, which requires each licensing entity to adopt rules providing for reduced fees and continuing education requirements for a retired health care practitioner whose only practice is voluntary charity care. 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 November 10, 2025.

TRD-202504083

Ralph A. Harper

Executive Director

Texas Board of Occupational Therapy Examiners

Effective date: December 1, 2025

Proposal publication date: August 29, 2025

For further information, please call: (512) 305-6900



CHAPTER 374. DISCIPLINARY ACTIONS/DETRIMENTAL PRACTICE/COMPLAINT PROCESS/CODE OF ETHICS/LI-CENSURE OF PERSONS WITH CRIMINAL CONVICTIONS

40 TAC §374.1, §374.2

The Texas Board of Occupational Therapy Examiners adopts amendments to 40 Texas Administrative Code §374.1, Disciplinary Actions, and §374.2, Detrimental Practice. The amendments will revise the sections, including to add items concerning reporting certain information to the Board and clarify and cleanup related items concerning detrimental practice. The amendments are adopted without changes to the proposed text as published in the August 29, 2025, issue of the *Texas Register* (50 TexReg 5691) and will not be republished.

An amendment to §374.1 will add a provision requiring licensees to report disciplinary action by another licensing authority and judgments or settlements in a malpractice claim. The amendment is adopted to ensure that the Board is apprised of such and, thus, better able to identify the possible need to investigate any related violations of the OT Act and Rules.

A related amendment to the Schedule of Sanctions in the section will include the addition of a violation that corresponds to the new item. Likewise, an additional amendment is made to the Schedule of Sanctions to add an item that corresponds to a similar, extant item in the section regarding reporting felony convictions. The amendments are adopted to identify the corresponding discipline for such violations.

The amendment to §374.2 will update the definition of "practiced occupational therapy in a manner detrimental to the public health and welfare" to clarify conduct that constitutes grounds for disciplinary action against license holders for failing to give sufficient prior written notice of resignation. The amendment will remove existing text that addresses a different term of notice for those with an existing contract or who are self-employed and have a comparable written agreement with clients; the change will ensure that the item specifies that fourteen days' written notice is required. The change will clarify the provision and the required minimum days' notice that must be given by licensees to help ensure that sufficient notice is given to avoid the loss or delay of occupational therapy services. The revision will also add language to the provision identifying such as "patient abandonment." A related change to the Schedule of Sanctions in §374.1 is made to correspond to the revision. The amendments are adopted to ensure that the rules clearly identify the conduct that may be considered detrimental practice and the corresponding discipline. The changes will also facilitate the ability of individuals and the Board to identify violations and related discipline in order to ensure the health, safety, and welfare of the public.

The amendments include further cleanups to remove language such as "in this paragraph" from §374.2 and related items in the Schedule of Sanctions.

Public comment was received from Judith Joseph, Executive Director of the Texas Occupational Therapy Association (TOTA), and from Kristen Neville, Manager of State Affairs, on behalf of the American Occupational Therapy Association (AOTA), regarding the proposed amendments to §374.2(18) and, ostensibly, the related item in the Schedule of Sanctions in §374.1. The comments both addressed §374.2(18) as it pertains to occupational therapy assistants and expressed their concerns regarding scenarios in which an occupational therapy assistant may not be able to provide occupational therapy services due to an unexpected departure of the supervising occupational therapist. Both comments requested that the Board consider adding language to the rules to address such a scenario and/or providing further information to individuals about how such scenarios should be addressed.

The Board disagrees with the comments.

§454.002 of the Occupational Therapy Practice Act defines an occupational therapy assistant as a person licensed by the Board who assists in the practice of occupational therapy under the general supervision of an occupational therapist. Similarly, §372.1(g)(3) of the board rules requires that in each intervention note, the occupational therapy assistant must include the name of an occupational therapist who is readily available to answer questions about the client's intervention at the time of the provision of services and that the occupational therapist in the intervention note may be different from the occupational therapist who wrote the plan of care. The item further requires that the occupational therapy assistant may not provide services unless this requirement is met. Additionally, §372.1(f)(9) includes that except where otherwise restricted by rule, the supervising occupational therapist may only delegate

to an occupational therapy assistant tasks that they both agree are within the competency level of that occupational therapy assistant.

An occupational therapy assistant may not provide services unless under the supervision of an occupational therapist. For example, an occupational therapy assistant may not provide services if an occupational therapist is not readily available to answer questions about the client's intervention at the time of services.

An occupational therapy assistant's not providing services when a supervising occupational therapist is not available does not constitute grounds for abandonment; instead, such is what is required by Board regulations.

The Board, additionally, does not have control over whether an individual files a complaint regarding any matter pertaining to occupational therapy, regardless of whether such actually pertains to any violation of the Occupational Therapy Practice Act and board rules. However, a complaint based solely on the fact that an occupational therapy assistant did not provide services because a supervising occupational therapist was not available would not constitute grounds for disciplinary action by the Board against the occupational therapy assistant.

Questions regarding the scenario raised in the comments are not those typically posed to the Board by licensees, employers, or consumers. A frequently asked question (FAQ) entry on the Board's website, furthermore, already addresses that abandonment is a choice the licensee makes and includes information that a licensee's refusing to accept responsibility for an assignment for which the licensee feels unqualified is not considered abandonment, though adding further information regarding the related scenario may be an element considered during future revisions of the FAQ. Finally, the extant §374.2 and the related item in the Schedule of Sanctions in §370.1 already address the requirement to receive supervision: the sections, for example, include that practicing occupational therapy without receiving the supervision required by the Occupational Therapy Practice Act and board rules is, itself, detrimental practice.

The amendments are adopted under Texas Occupations Code §454.102, which authorizes the Board to adopt rules to carry out its duties under Chapter 454. The amendments are also adopted under §454.3025, which requires the Board by rule to adopt a schedule of administrative penalties and other sanctions that the Board may impose under this chapter, and under §454.3521, which authorizes the Board to impose an administrative penalty, not to exceed \$200 for each day a violation continues or occurs, under this chapter for a violation of this chapter or a rule or order adopted under this chapter. The amendments, lastly, are adopted under Texas Occupations Code §454.301, which includes that the Board may deny, suspend, or revoke a license or take other disciplinary action against a license holder if the applicant or license holder has practiced occupational therapy in a manner detrimental to the public health and welfare.

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 November 10, 2025.

TRD-202504084

Ralph A. Harper
Executive Director

Texas Board of Occupational Therapy Examiners

Effective date: December 1, 2025

Proposal publication date: August 29, 2025

For further information, please call: (512) 305-6900



CHAPTER 375. FEES

40 TAC §375.1

The Texas Board of Occupational Therapy Examiners adopts amendments to 40 Texas Administrative Code §375.1. Fees. The amendments clarify and cleanup the section and remove unnecessary provisions. The amendments are adopted without changes to the proposed text as published in the August 29, 2025, issue of the *Texas Register* (50 TexReg 5694) and will not be republished.

The amendments to the section include clarifications. For example, revisions include replacing "TAC" with Texas Administrative Code and clarifying and simplifying text concerning refunds to correspond to extant language elsewhere in the board rules that fees are non-refundable.

The amendments also remove an outdated reference to the requirement that applicants for a license pay the application fee plus the appropriate license fee. In the past, such fees were consolidated into one application fee and the amendments are made to ensure that the section reflects such changes.

Further cleanups include removing a provision concerning payments after an insufficient funds check has been processed by the Board and an item concerning the suspension of a license for failure to pay child support as such are no longer necessary; in the case of the former, an individual is not required to submit payment in a particular manner after such a check has been processed and, in the case of the latter, the Board does not suspend licensees for such as §370.1(b) of the board rules already includes that the Board will not renew a license if it receives information from a child support agency that a licensee has failed to pay child support under a support order for six months or more as provided by Texas Family Code §232.0135 and that if all other renewal requirements have been met, the license will be renewed when the child support agency notifies the Board it may renew the license. Such amendments will ensure that the section, likewise, reflects the other current extant rules and licensure processes.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Occupations Code §454.102, which authorizes the Board to adopt rules to carry out its duties under Chapter 454, and under §454.104, which authorizes the Board to recommend to the Executive Council necessary fees. The amendments are also adopted under Texas Occupations Code §452.154, which authorizes the Executive council to set fees.

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 November 10, 2025.

TRD-202504086

Ralph A. Harper
Executive Director
Texas Board of Occupational Therapy Examiners
Effective date: December 1, 2025
Proposal publication date: August 29, 2025
For further information, please call: (512) 305-6900



REVIEW OF AGENCY RULES

This section contains notices of state agency rule review as directed by the Texas Government Code, §2001.039.

Included here are proposed rule review notices, which invite public comment to specified rules under review; and adopted rule review notices, which summarize public comment received as part of the review. The complete text of an agency's rule being reviewed is available in the *Texas Administrative Code* on the Texas Secretary of State's website.

For questions about the content and subject matter of rules, please contact the state agency that is reviewing the rules. Questions about the website and printed copies of these notices may be directed to the *Texas Register* office.

Proposed Rule Reviews

Texas Board of Architectural Examiners

Title 22, Part 1

In accordance with Government Code § 2001.039, the Texas Board of Architectural Examiners (Board) files this notice of intention to review and consider for re-adoption, re-adoption with amendments, or repeal the following chapters contained in Title 22, Part 1, of the Texas Administrative Code:

Chapter 1. Architects;

Chapter 3. Landscape Architects;

Chapter 5. Registered Interior Designers; and

Chapter 7. Administration

In conducting its review, the Board will assess whether the reasons for originally adopting these chapters continue to exist. Each section of these chapters will be reviewed to determine whether it is obsolete, whether it reflects current legal and policy considerations and current procedures and practices of the Board, and whether it is in compliance with Chapter 2001 of the Government Code (Administrative Procedure Act).

The public has thirty (30) days from the publication of this rule review in the *Texas Register* to comment and submit any response or suggestions. Written comments may be submitted by mail to:

Pim Mayo

General Counsel

Texas Board of Architectural Examiners

By Mail:

P.O. Box 12337

Austin, Texas 78711

By Email: pim.mayo@tbae.texas.gov

Any proposed changes to these chapters as a result of this review will be published separately in the Proposed Rules section of the *Texas Register* and will be open for an additional comment period prior to the final adoption or repeal by the Board.

TRD-202504125

Pim Mayo

General Counsel

Texas Board of Architectural Examiners

Filed: November 12, 2025

◆ ◆ ◆
State Board of Dental Examiners

Title 22, Part 5

The Texas State Board of Dental Examiners (Board) files this Notice of Intent to Review to consider for re-adoption, revision, or repeal the chapters listed below, in their entirety, contained in Title 22, Part 5, of the Texas Administrative Code. This review is being conducted in accordance with Texas Government Code §2001.039.

Rule Chapters Under Review

Chapter 114, Extension of Duties of Auxiliary Personnel -- Dental Assistants

Chapter 115, Extension of Duties of Auxiliary Personnel -- Dental Hygiene

Chapter 116, Dental Laboratories

During the review, the Board will assess whether the reasons for adopting or readopting the rules in these chapters continue to exist. The Board will review each rule to determine whether it is obsolete, whether the rule reflects current legal and policy considerations, and whether the rule reflects current Board procedures. This review is required every four years.

Written comments regarding the review of these chapters may be submitted to Carol Pepper, Legal Assistant at 1801 Congress Avenue, Suite 8.600, Austin, Texas 78701; by facsimile to (512) 649-2482; or by email to official_rules_comments@tsbde.texas.gov. The deadline for comments is 30 days after publication in the *Texas Register*.

Any proposed changes to the rules in these chapters as a result of the rule review will be published in the Proposed Rules section of the *Texas Register*. The proposed rules will be open for public comment before final adoption by the Board in accordance with the requirements of the Administrative Procedure Act, Texas Government Code, Chapter 2001.

TRD-202504064

Lauren Studdard

General Counsel

State Board of Dental Examiners

Filed: November 7, 2025

◆ ◆ ◆
Department of State Health Services

Title 25, Part 1

The Texas Health and Human Services Commission (HHSC), on behalf of the Texas Department of State Health Services (DSHS), proposes to review and consider for readoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 25, Part 1, of the Texas Administrative Code:

Chapter 289, Radiation Control

This review is conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies, every four years, to assess whether the initial reasons for adopting a rule continue to exist. After reviewing its rules, the agency will readopt, readopt with amendments, or repeal its rules.

Comments on the review of Chapter 289, Radiation Control, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to hhsrulescoordinationoffice@hhs.texas.gov.

When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 289" in the subject line. The deadline for comments is on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register*.

The text of the rule sections being reviewed will not be published but may be found in Title 25, Part 1, of the Texas Administrative Code or on the Secretary of State's website at State Rules and Open Meetings (www.sos.texas.gov).

TRD-202504042

Jessica Miller

Director, Rules Coordination Office

Department of State Health Services

Filed: November 7, 2025



Texas Health and Human Services Commission

Title 26, Part 1

The Texas Health and Human Services Commission (HHSC) proposes to review and consider for readoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 26, Part 1, of the Texas Administrative Code (TAC):

Chapter 262 - Texas Home Living (TxHmL) Program and Community First Choice (CFC)

This review is conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies, every four years, to assess whether the initial reasons for adopting a rule continue to exist. After reviewing its rules, the agency will readopt, readopt with amendments, or repeal its rules.

Comments on the review of Chapter 262 - Texas Home Living (TxHmL) Program and Community First Choice (CFC), may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to hhsrulescoordinationoffice@hhs.texas.gov.

When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 262" in the subject line. The deadline for comments is on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register*.

The text of the rule sections being reviewed will not be published but may be found in Title 26, Part 1, of the Texas Administrative Code or on the Secretary of State's website at State Rules and Open Meetings (www.sos.texas.gov).

TRD-202504043

Jessica Miller

Director, Rules Coordination Office

Texas Health and Human Services Commission

Filed: November 7, 2025



The Texas Health and Human Services Commission (HHSC) proposes to review and consider for readoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 26, Part 1, of the Texas Administrative Code (TAC):

Chapter 925, Research Involving Health and Human Services Commission Services

This review is conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies, every four years, to assess whether the initial reasons for adopting a rule continue to exist. After reviewing its rules, the agency will readopt, readopt with amendments, or repeal its rules.

Comments on the review of Chapter 925, Research Involving Health and Human Services Commission Services, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to hhsrulescoordinationoffice@hhs.texas.gov.

When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 925" in the subject line. The deadline for comments is on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register*.

The text of the rule sections being reviewed will not be published but may be found in Title 26, Part 1, of the Texas Administrative Code or on the Secretary of State's website at State Rules and Open Meetings (www.sos.texas.gov).

TRD-202504044

Jessica Miller

Director, Rules Coordination Office

Texas Health and Human Services Commission

Filed: November 7, 2025



Texas Health and Human Services Commission (HHSC) proposes to review and consider for readoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 26, Part 1, of the Texas Administrative Code (TAC):

Chapter 965, Electronic Monitoring in an Individual's Bedroom in a State Supported Living Center

This review is conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies, every four years, to assess whether the initial reasons for adopting a rule continue to exist. After reviewing its rules, the agency will readopt, readopt with amendments, or repeal its rules.

Comments on the review of Chapter 965, Electronic Monitoring in an Individual's Bedroom in a State Supported Living Center, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to hhsrulescoordinationoffice@hhs.texas.gov. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 965" in the subject line. The deadline for comments is on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register*.

The text of the rule sections being reviewed will not be published but may be found in Title 26, Part 1, of the Texas Administrative Code or

on the Secretary of State's website at State Rules and Open Meetings (www.sos.texas.gov).

TRD-202504011

Jessica Miller

Director, Rules Coordination Office

Texas Health and Human Services Commission

Filed: November 6, 2025



Adopted Rule Reviews

Texas Board of Nursing

Title 22, Part 11

In accordance with Government Code §2001.039, the Texas Board of Nursing (Board) filed a notice of intention to review and consider for re-adoption, re-adoption with amendments, or repeal, the following chapter contained in Title 22, Part 11, of the Texas Administrative Code, pursuant to the 2026 rule review plan adopted by the Board at its July 2025 meeting, in the September 26, 2025, issue of the *Texas Register* (50 TexReg 6347).

Chapter 225. RN Delegation to Unlicensed Personnel and Tasks Not Requiring Delegation in Independent Living Environments for Clients with Stable and Predictable Conditions (§§225.1 - 225.15)

Chapter 228. Pain Management (§228.1, §228.2)

The Board did not receive comment on the above rules. The Board has completed its review and has determined that the reasons for originally adopting the above rules continue to exist. The rules were also reviewed to determine whether they were obsolete, whether they reflected current legal and policy considerations and current procedures and practices of the Board, and whether they were in compliance with Texas Government Code Chapter 2001 (Texas Administrative Procedure Act). The Board finds that the rules are not obsolete, reflect current legal and policy considerations, current procedures and practices of the Board, and that the rules are in compliance with the Texas Administrative Procedure Act.

The Board readopts the rules in Chapters 225 and 228 without changes, pursuant to the Texas Government Code §2001.039 and Texas Occupations Code §301.151, which authorizes the Board to adopt, enforce, and repeal rules consistent with its legislative authority under the Nurs-

ing Practice Act. This concludes the rule review of Chapters 225 and 228 under the 2026 rule review plan adopted by the Board.

TRD-202504068

John Vanderford

Deputy General Counsel

Texas Board of Nursing

Filed: November 10, 2025



Texas Health and Human Services Commission

Title 26, Part 1

The Texas Health and Human Services Commission (HHSC) adopts the review of the chapter below in Title 26, Part 1, of the Texas Administrative Code (TAC):

Chapter 558, Licensing Standards For Home And Community Support Services Agencies

Notice of the review of this chapter was published in August 22, 2025, issue of the *Texas Register* (50 TexReg 5473). HHSC received no comments concerning this chapter.

HHSC has reviewed Chapter 558 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 558. Any amendments, if applicable, to Chapter 558 identified by HHSC in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes HHSC's review of 26 TAC Chapter 558 as required by Texas Government Code §2001.039.

TRD-202504041

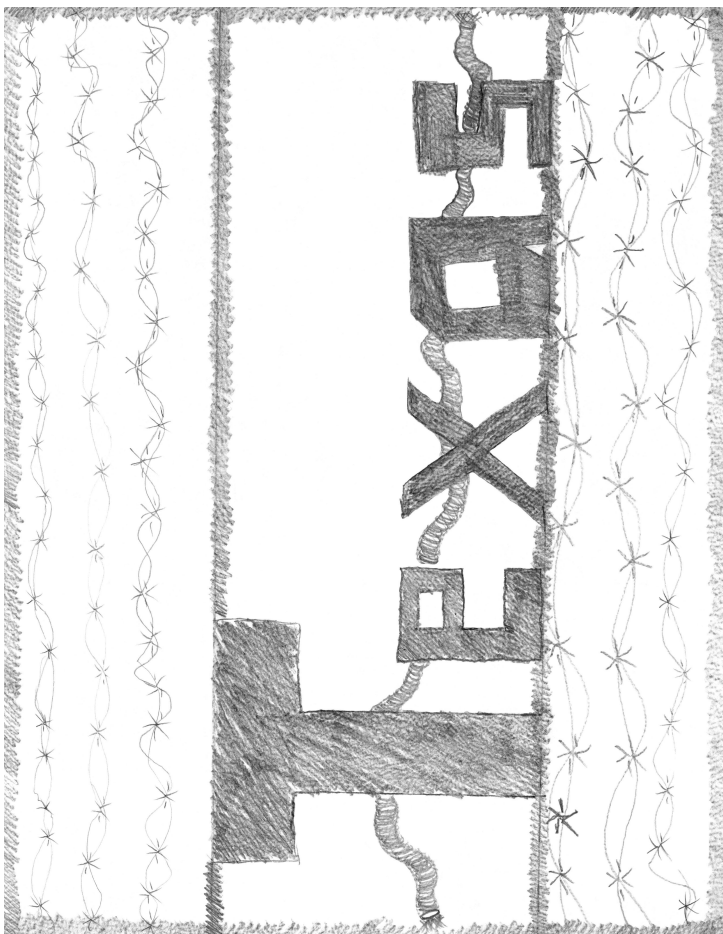
Jessica Miller

Director, Rules Coordination Office

Texas Health and Human Services Commission

Filed: November 7, 2025





IN ADDITION

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

Office of Consumer Credit Commissioner

Notice of Rate Ceilings

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

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 11/17/25 - 11/23/25 is 18.00% for consumer¹ credit.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 11/17/25 - 11/23/25 is 18.00% for commercial² credit.

¹ Credit for personal, family, or household use.

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

TRD-202504124

Leslie L. Pettijohn

Commissioner

Office of Consumer Credit Commissioner

Filed: November 12, 2025

Texas Commission on Environmental Quality

Agreed Orders

The Texas Commission on Environmental Quality (TCEQ, agency, or commission) staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075 requires that before the commission may approve the AOs, the commission shall allow the public an opportunity to submit written comments on the proposed AOs. TWC, §7.075 requires that notice of the proposed orders and the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **December 29, 2025**. TWC, §7.075 also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A physical copy of each proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building C, 1st Floor, Austin, Texas 78753, (512) 239-2545 and at the applicable regional office listed as follows. Additionally, copies of the proposed AO can be found online by using either the Chief Clerk's eFiling System at <https://www.tceq.texas.gov/goto/efilings> or the TCEQ Commissioners' Integrated Database at <https://www.tceq.texas.gov/goto/cid>, and searching either of those databases with the proposed AO's identifying information, such as its docket number. Written comments about an AO should be sent to the enforcement coordinator designated for

each AO at the commission's central office at Enforcement Division, MC 128, P.O. Box 13087, Austin, Texas 78711-3087 and must be postmarked by 5:00 p.m. on **December 29, 2025**. Written comments may also be sent to the enforcement coordinator by email to ENF-COMNT@tceq.texas.gov or by facsimile machine at (512) 239-2550. The commission enforcement coordinators are available to discuss the AOs and/or the comment procedure at the listed contact information; however, TWC, §7.075 provides that comments on the AOs shall be submitted to the commission in writing.

(1) COMPANY: Alon USA, LP; DOCKET NUMBER: 2024-1461-AIR-E; IDENTIFIER: RN100250869; LOCATION: Big Spring, Howard County; TYPE OF FACILITY: oil and gas refinery; PENALTY: \$13,375; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$5,350; ENFORCEMENT COORDINATOR: Morgan Kopcho, (512) 239-4167; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(2) COMPANY: Aqua Texas, Inc.; DOCKET NUMBER: 2025-0769-PWS-E; IDENTIFIER: RN102689627; LOCATION: China Spring, McLennan County; TYPE OF FACILITY: public water supply; PENALTY: \$50; ENFORCEMENT COORDINATOR: Kaisie Hubschmitt, (512) 239-1482; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(3) COMPANY: Aqua Texas, Inc.; DOCKET NUMBER: 2025-0865-PWS-E; IDENTIFIER: RN101250306; LOCATION: Liberty Hill, Williamson County; TYPE OF FACILITY: public water supply; PENALTY: \$800; ENFORCEMENT COORDINATOR: Deshaune Blake, (210) 403-4033; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(4) COMPANY: Aqua Texas, Inc.; DOCKET NUMBER: 2025-1015-PWS-E; IDENTIFIER: RN101177764; LOCATION: Mont Belvieu, Liberty County; TYPE OF FACILITY: public water supply; PENALTY: \$1,500; ENFORCEMENT COORDINATOR: Ilia Perez Ramirez, (512) 239-2556; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(5) COMPANY: BASF Corporation; DOCKET NUMBER: 2024-0987-AIR-E; IDENTIFIER: RN100218049; LOCATION: Freeport, Brazoria County; TYPE OF FACILITY: chemical manufacturing plant; PENALTY: \$50,750; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$25,375; ENFORCEMENT COORDINATOR: Caleb Martin, (512) 239-2091; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(6) COMPANY: BRAZOS ELECTRIC POWER COOPERATIVE, INC.; DOCKET NUMBER: 2023-1316-AIR-E; IDENTIFIER: RN102033891; LOCATION: Palo Pinto, Palo Pinto County; TYPE OF FACILITY: electric generation power plant; PENALTY: \$53,550; ENFORCEMENT COORDINATOR: Desmond Martin, (512) 239-2814; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(7) COMPANY: Brazoria County Municipal Utility District 21; DOCKET NUMBER: 2025-1246-PWS-E; IDENTIFIER:

RN102686193; LOCATION: Manvel, Brazoria County; TYPE OF FACILITY: public water supply; PENALTY: \$1,000; ENFORCEMENT COORDINATOR: Taner Hengst, (512) 239-1143; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(8) COMPANY: CSWR-Texas Utility Operating Company, LLC; DOCKET NUMBER: 2025-0303-PWS-E; IDENTIFIER: RN102675303; LOCATION: San Augustine, San Augustine County; TYPE OF FACILITY: public water supply; PENALTY: \$9,425; ENFORCEMENT COORDINATOR: Savannah Jackson, (512) 239-4306; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(9) COMPANY: City of Hawkins; DOCKET NUMBER: 2023-1435-MWD-E; IDENTIFIER: RN101611986; LOCATION: Hawkins, Wood County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: \$30,250; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$30,250; ENFORCEMENT COORDINATOR: Samantha Smith, (512) 239-2099; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(10) COMPANY: City of Jayton; DOCKET NUMBER: 2022-1622-PWS-E; IDENTIFIER: RN101385128; LOCATION: Jayton, Kent County; TYPE OF FACILITY: public water supply; PENALTY: \$918; SUPPLEMENTAL ENVIRONMENTAL OFFSET: \$735; ENFORCEMENT COORDINATOR: Katherine Argueta, (512) 239-4131; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(11) COMPANY: City of Mobeetie; DOCKET NUMBER: 2023-0657-PWS-E; IDENTIFIER: RN101211407; LOCATION: Mobeetie, Wheeler County; TYPE OF FACILITY: public water supply; PENALTY: \$1,275; SUPPLEMENTAL ENVIRONMENTAL OFFSET: \$1,020; ENFORCEMENT COORDINATOR: Ilia Perez Ramirez, (512) 239-2556; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(12) COMPANY: City of Moran; DOCKET NUMBER: 2025-0643-PWS-E; IDENTIFIER: RN101392181; LOCATION: Moran, Shackelford County; TYPE OF FACILITY: public water supply; PENALTY: \$3,402; ENFORCEMENT COORDINATOR: Katherine Argueta, (512) 239-4131; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(13) COMPANY: City of Troup; DOCKET NUMBER: 2024-0715-MWD-E; IDENTIFIER: RN102182326; LOCATION: Troup, Cherokee County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: \$18,750; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$15,000; ENFORCEMENT COORDINATOR: Harley Hobson, (512) 239-1337; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(14) COMPANY: Eagle Railcar Services - Channelview, Texas, LLC; DOCKET NUMBER: 2025-1086-AIR-E; IDENTIFIER: RN100683002; LOCATION: Channelview, Harris County; TYPE OF FACILITY: railcar coating facility; PENALTY: \$4,750; ENFORCEMENT COORDINATOR: John Burkett, (512) 239-4169; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(15) COMPANY: HD Waste & Recycling, LLC; DOCKET NUMBER: 2024-1460-AIR-E; IDENTIFIER: RN111131868; LOCATION: Dallas, Dallas County; TYPE OF FACILITY: waste recycling facility; PENALTY: \$12,188; ENFORCEMENT COORDINATOR: Morgan Kopcho, (512) 239-4167; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(16) COMPANY: Kuraray America, Inc.; DOCKET NUMBER: 2023-0026-AIR-E; IDENTIFIER: RN100212216; LOCATION: Pasadena, Harris County; TYPE OF FACILITY: chemical manufacturing plant; PENALTY: \$39,881; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$15,952; ENFORCEMENT COORDINATOR: Yuliya Dunaway, (210) 403-4077; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(17) COMPANY: LyondellBasell Acetyls, LLC; DOCKET NUMBER: 2025-0569-AIR-E; IDENTIFIER: RN100217207; LOCATION: La Porte, Harris County; TYPE OF FACILITY: industrial gas manufacturing plant; PENALTY: \$11,500; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$4,600; ENFORCEMENT COORDINATOR: Morgan Kopcho, (512) 239-4167; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(18) COMPANY: Midway Water Utilities, Inc.; DOCKET NUMBER: 2025-1316-MWD-E; IDENTIFIER: RN102329802; LOCATION: Whitney, Hill County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: \$10,625; ENFORCEMENT COORDINATOR: Taylor Williamson, (512) 239-2097; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(19) COMPANY: Motiva Enterprises LLC; DOCKET NUMBER: 2025-0809-AIR-E; IDENTIFIER: RN100209451; LOCATION: Port Arthur, Jefferson County; TYPE OF FACILITY: petroleum refinery; PENALTY: \$13,125; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$5,250; ENFORCEMENT COORDINATOR: Amy Cox, (512) 239-4631; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(20) COMPANY: OLD 90 MARINA LLC and GULF PUMP PROPERTIES LLC; DOCKET NUMBER: 2025-0633-PWS-E; IDENTIFIER: RN112147558; LOCATION: Crosby, Harris County; TYPE OF FACILITY: public water supply; PENALTY: \$6,250; ENFORCEMENT COORDINATOR: Tessa Bond, (512) 239-1269; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(21) COMPANY: Oxy Vinyls, LP; DOCKET NUMBER: 2025-0532-AIR-E; IDENTIFIER: RN100224674; LOCATION: La Porte, Harris County; TYPE OF FACILITY: chemical manufacturing plant; PENALTY: \$9,950; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$3,980; ENFORCEMENT COORDINATOR: Morgan Kopcho, (512) 239-4167; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(22) COMPANY: Park Water Company; DOCKET NUMBER: 2025-0834-PWS-E; IDENTIFIER: RN110256731; LOCATION: Midland, Midland County; TYPE OF FACILITY: public water supply; PENALTY: \$1,365; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$546; ENFORCEMENT COORDINATOR: Obianuju Iyasele, (512) 239-5280; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(23) COMPANY: Phillips 66 Company; DOCKET NUMBER: 2025-0213-AIR-E; IDENTIFIER: RN101619179; LOCATION: Old Ocean, Brazoria County; TYPE OF FACILITY: petroleum refinery; PENALTY: \$13,125; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$6,562; ENFORCEMENT COORDINATOR: Amy Cox, (512) 239-4631; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(24) COMPANY: Rhome Estates LLC; DOCKET NUMBER: 2025-0456-PWS-E; IDENTIFIER: RN111595864; LOCATION: Rhome, Wise County; TYPE OF FACILITY: public water supply; PENALTY: \$4,257; ENFORCEMENT COORDINATOR: Deshaune Blake, (210) 403-4033; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(25) COMPANY: Ryan C. Hoerauf, Inc.; DOCKET NUMBER: 2023-0499-AIR-E; IDENTIFIER: RN107304727; LOCATION: Ozona, Crockett County; TYPE OF FACILITY: oil and gas production site; PENALTY: \$3,750; ENFORCEMENT COORDINATOR: Mackenzie Mehlmann, (512) 239-2572; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(26) COMPANY: S.L.C. Water Supply Corporation; DOCKET NUMBER: 2025-0127-PWS-E; IDENTIFIER: RN101265908; LOCATION: Groesbeck, Limestone County; TYPE OF FACILITY: public water supply; PENALTY: \$14,662; ENFORCEMENT COORDINATOR: Tessa Bond, (512) 239-1269; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(27) COMPANY: SOLARIS OILFIELD SITE SERVICES OPERATING, LLC; DOCKET NUMBER: 2025-1506-WQ-E; IDENTIFIER: RN104158258; LOCATION: Early, Brown County; TYPE OF FACILITY: operator; PENALTY: \$875; ENFORCEMENT COORDINATOR: Jasmine Jimerson, (512) 239-2552; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(28) COMPANY: SUNN'S MARKETING CORP.; DOCKET NUMBER: 2023-0942-PST-E; IDENTIFIER: RN102842457; LOCATION: Dallas, Dallas County; TYPE OF FACILITY: convenience store with retail sales of gasoline; PENALTY: \$19,096; ENFORCEMENT COORDINATOR: Rachel Murray, (903) 535-5149; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, REGION 05 - TYLER.

(29) COMPANY: South Texas Council, Inc., Boy Scouts of America; DOCKET NUMBER: 2025-0924-PWS-E; IDENTIFIER: RN101197523; LOCATION: Lake City, San Patricio County; TYPE OF FACILITY: public water supply; PENALTY: \$500; ENFORCEMENT COORDINATOR: Deshaune Blake, (210) 403-4033; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(30) COMPANY: Starrville Water Supply Corporation; DOCKET NUMBER: 2025-0673-PWS-E; IDENTIFIER: RN101450237; LOCATION: Winona, Smith County; TYPE OF FACILITY: public water supply; PENALTY: \$1,375; ENFORCEMENT COORDINATOR: Tessa Bond, (512) 239-1269; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(31) COMPANY: THRC Utility, LLC; DOCKET NUMBER: 2025-0380-MWD-E; IDENTIFIER: RN102342821; LOCATION: Kerens, Navarro County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: \$11,456; ENFORCEMENT COORDINATOR: Samantha Smith, (512) 239-2099; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(32) COMPANY: Texas Instruments Incorporated; DOCKET NUMBER: 2024-1954-PST-E; IDENTIFIER: RN101866226; LOCATION: Dallas, Dallas County; TYPE OF FACILITY: operator; PENALTY: \$2,625; ENFORCEMENT COORDINATOR: Adriana Fuentes, (956) 425-6010; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, REGION 15 - HARLINGEN.

(33) COMPANY: Town of Indian Lake; DOCKET NUMBER: 2025-0523-PWS-E; IDENTIFIER: RN101258622; LOCATION:

Indian Lake, Cameron County; TYPE OF FACILITY: public water supply; PENALTY: \$3,000; ENFORCEMENT COORDINATOR: Savannah Jackson, (512) 239-4306; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(34) COMPANY: Triple C Concrete of Lubbock, LTD; DOCKET NUMBER: 2024-1699-AIR-E; IDENTIFIER: RN104156286; LOCATION: Lubbock, Lubbock County; TYPE OF FACILITY: concrete batch plant; PENALTY: \$1,875; ENFORCEMENT COORDINATOR: Desmond Martin, (512) 239-2814; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

TRD-202504063

Gitanjali Yadav

Deputy Director, Litigation Division

Texas Commission on Environmental Quality

Filed: November 7, 2025



Texas Superfund Registry 2025

BACKGROUND

The Texas Commission on Environmental Quality (TCEQ or commission) is required under the Texas Solid Waste Disposal Act, Texas Health and Safety Code (THSC), Chapter 361, to identify, to the extent feasible, and evaluate facilities which may constitute an imminent and substantial endangerment to public health and safety or to the environment due to a release or threatened release of hazardous substances into the environment. The first registry identifying these sites was published in the January 16, 1987, issue of the *Texas Register* (12 TexReg 205). Pursuant to THSC, §361.181, the commission must update the state Superfund registry annually to add new facilities that have been proposed for listing in accordance with THSC, §361.184(a) or listed in accordance with THSC, §361.188(a)(1) (see also 30 Texas Administrative Code (TAC) §335.343) or to remove facilities that have been deleted in accordance with THSC, §361.189 (see also 30 TAC §335.344). The current notice also includes facilities where state Superfund action has ended, or where cleanup is being adequately addressed by other means.

SITES LISTED ON THE STATE SUPERFUND REGISTRY

The state Superfund registry identifying those facilities that are *listed* and have been determined to pose an imminent and substantial endangerment are set out in descending order of Hazard Ranking System (HRS) scores as follows.

1. Col-Tex Refinery. Located on both sides of Business Interstate Highway 20 (United States Highway 80) in Colorado City, Mitchell County: tank farm and refinery.
2. First Quality Cylinders. Located at 931 West Laurel Street, San Antonio, Bexar County: aircraft cylinder rebuilder.
3. Camtraco Enterprises, Inc. Located at 18823 Amoco Drive in Pearland, Brazoria County: fuel storage/fuel blending/distillation.
4. Pioneer Oil Refining Company. Located at 20280 South Payne Road, outside of Somerset, Bexar County: oil refinery.
5. Precision Machine and Supply. Located at 500 West Olive Street, Odessa, Ector County: chrome plating and machine shop.
6. Voda Petroleum Inc. Located approximately 1.25 miles west of the intersection of Farm-to-Market Road (FM) 2275 (George Richey Road) and FM 3272 (North White Oak Road), 2.6 miles north-northeast of Clarksville City, Gregg County: waste oil recycling.

7. Sonics International, Inc. Located north of FM 101, approximately two miles west of Ranger, Eastland County: industrial waste injection wells.

8. Maintech International. Located at 8300 Old Ferry Road, Port Arthur, Jefferson County: chemical cleaning and equipment hydroblasting.

9. Federated Metals. Located at 9200 Market Street, Houston, Harris County: magnesium dross/sludge disposal, inactive landfill.

10. International Creosoting. Located at 1110 Pine Street, Beaumont, Jefferson County: wood treatment.

11. McBay Oil and Gas. Located approximately three miles northwest of Grapeland on FM 1272, Houston County: oil refinery and oil reclamation plant.

12. Materials Recovery Enterprises (MRE). Located approximately four miles southwest of Ovalo, near United States Highway 83 and FM 604, Taylor County: Class I industrial waste management.

13. Hu-Mar Chemicals. Located north of McGlothlin Road, between the old Southern Pacific Railroad tracks and 12th Street, Palacios, Matagorda County: pesticide and herbicide formulation.

14. American Zinc. Located approximately 3.5 miles north of Dumas on United States Highway 287 and five miles east of Dumas on FM 119, Moore County: zinc smelter.

15. Troups. Located on the west side of Texas 326, 2.1 miles north of its intersection with Texas 105, in Sour Lake, Hardin County: fencepost treating and municipal waste.

16. Harris Sand Pits. Located at 23340 South Texas 16, approximately 10.5 miles south of San Antonio at Von Ormy, Bexar County: commercial sand and clay pit.

17. JCS Company. Located north of Phalba on County Road 2415, approximately 1.5 miles west of the intersection of County Road 2403 and Texas 198, Van Zandt County: lead-acid battery recycling.

18. Jerrell B. Thompson Battery. Located north of Phalba on County Road 2410, approximately one mile north of the intersection of County Road 2410 and Texas 198, Van Zandt County: lead-acid battery recycling.

19. Ballard Pits. Located at the end of Ballard Road (also known as Ballard Lane), west of its intersection with County Road 73, northwest of Robstown, Nueces County: disposal of oil field drilling muds and petroleum wastes.

20. Spector Salvage Yard. Located at Jackson Avenue and Tenth Street, Orange, Orange County: military surplus and chemical salvage yard.

21. Hayes-Sammons Warehouse. Located at Miller Avenue and East Eighth Street, Mission, Hidalgo County: commercial grade pesticide storage.

22. Jensen Drive Scrap. Located at 3603 Jensen Drive, Houston, Harris County: scrap salvage.

23. State Highway 123 PCE Plume. Located near the intersection of State Highway 123 and Interstate Highway 35 in San Marcos, Hays County: contaminated groundwater plume.

24. Baldwin Waste Oil Company. Located on County Road 44 approximately 0.1 miles west of its intersection with FM 1889, Robstown, Nueces County: waste oil processing.

25. Hall Street. Located north of the intersection of 20th Street East with California Street, north of Dickinson, Galveston County: waste disposal and landfill/open field dumping.

26. Unnamed Plating. Located at 6816 - 6824 Industrial Avenue, El Paso, El Paso County: metals processing and recovery.

27. Bailey Metal Processors, Inc. Located at 509 San Angelo Highway (United States Highway 87), in Brady, McCulloch County: scrap metal dealer, primarily conducting copper and lead reclamation.

28. Tricon America, Inc. Located at 101 East Hampton Road, Crowley, Tarrant County: aluminum and zinc smelting and casting.

29. Mineral Wool Insulation Manufacturing Company. Located on Shaw Road at the northwest corner of the city limits of Rogers, Bell County: mineral wool manufacturing.

SITES PROPOSED FOR LISTING ON THE STATE SUPERFUND REGISTRY

Those facilities that may pose an imminent and substantial endangerment and that have been *proposed* to the state Superfund registry are set out in descending order of HRS scores as follows.

1. Kingsland. Located in the vicinity of the 2100 and 2400 blocks of FM 1431 in the community of Kingsland, Llano County: former coin-operated dry cleaning facility.

2. Angus Road Groundwater Site. Located beneath the 4300 block of Angus Road, west of Odessa, Ector County: contaminated groundwater plume.

3. Industrial Road/Industrial Metals. Located at 3000 Agnes Street in Corpus Christi, Nueces County: lead acid battery recycling and copper coil salvage.

4. Tenaha Wood Treating. Located at 275 County Road 4382, approximately 1.5 miles south of the city limits and near the intersection of United States Highway 96 and County Road 4382, Tenaha, Shelby County: wood treatment.

5. Poly-Cycle Industries, Inc., Tescala. Located northeast of Tescala on the southeast corner of the intersection of FM 2064 and County Road 4216, Cherokee County: lead acid battery recycling.

6. Process Instrumentation and Electrical (PIE). Located at the northwest corner of 48th Street and Andrews Highway (Highway 385) in Odessa, Ector County: chromium plating.

7. Marshall Wood Preserving. Located at 2700 West Houston Street, Marshall, Harrison County: wood treatment.

8. Avinger Development Company (ADCO). Located on the south side of State Highway 155, approximately 0.25 miles east of the intersection with State Highway 49, Avinger, Cass County: wood treatment.

9. Wigginsville Road Groundwater Plume. Located on the eastern edge of the Conroe Oilfield, southeast of Conroe, Montgomery County: contaminated groundwater plume.

10. Moss Lake Road Groundwater Site. Located approximately 0.25 miles north of the intersection of North Moss Lake Road and Interstate Highway 20, approximately four miles east of Big Spring, Howard County: contaminated groundwater plume.

11. Cass County Treating Company. Located at 304 Hall Street within the southeastern city limits of Linden, Cass County: wood treatment.

12. Tucker Oil Refinery/Canton Manges Oil Refinery. Located on the east side of United States Highway 79 in the rural community of Tucker, Anderson County: oil refinery.

13. City View Road Groundwater Plume. Located northwest of the intersection of Interstate Highway 20 and State Highway 158, Midland County: contaminated groundwater plume.

14. Scrub-A-Dubb Barrel Company. Located at 1102 North Ash Avenue, and at 1209 North Ash Avenue, Lubbock, Lubbock County: former drum cleaning and reconditioning business.

CHANGES SINCE THE NOVEMBER 2024 SUPERFUND REGISTRY PUBLICATION

There were no sites proposed to, listed on, or deleted from the state Superfund registry since its last publication, in the *Texas Register* on November 1, 2024 (49 TexReg 8773).

SITES DELETED FROM THE STATE SUPERFUND REGISTRY

The commission has *deleted* 57 sites from the state Superfund registry.

Aluminum Finishing Company, Harris County;

Archem Company/Thames Chelsea, Harris County;

Aztec Ceramics, Bexar County;

Aztec Mercury, Brazoria County;

Barlow's Wills Point Plating, Van Zandt County;

Bestplate, Inc., Dallas County;

Butler Ranch, Karnes County;

Cox Road Dump Site, Liberty County;

Crim-Hammett, Rusk County;

Dorchester Refining Company, Titus County;

Double R Plating Company, Cass County;

El Paso Plating Works, El Paso County;

EmChem Corporation, Brazoria County;

Force Road Oil, Brazoria County;

Gulf Metals Industries, Harris County;

Hageron Road Drum, Fort Bend County;

Harkey Road, Brazoria County;

Hart Creosoting, Jasper County;

Harvey Industries, Inc., Henderson County;

Hicks Field Sewer Corp., Tarrant County;

Higgins Wood Preserving, Angelina County;

Hi-Yield, Hunt County;

Houston Lead, Harris County;

Houston Scrap, Harris County;

J.C. Pennco Waste Oil Service, Bexar County;

James Barr Facility, Brazoria County;

Kingsbury Metal Finishing, Guadalupe County;

LaPata Oil Company, Harris County;

Lyon Property, Kimble County;

McNabb Flying Service, Brazoria County;

Melton Kelly Property, Navarro County;

Munoz Borrow Pits, Hidalgo County;

Newton Wood Preserving, Newton County;

Niagara Chemical, Cameron County;

Old Lufkin Creosoting, Angelina County;

Permian Chemical, Ector County;

Phipps Plating, Bexar County;

PIP Minerals, Liberty County;

Poly-Cycle Industries, Ellis County;

Poly-Cycle Industries, Jacksonville, Cherokee County;

Rio Grande Refinery I, Hardin County;

Rio Grande Refinery II, Hardin County;

Rogers Delinted Cottonseed-Colorado City, Mitchell County;

Rogers Delinted Cottonseed-Farmersville, Collin County;

Sampson Horrice, Dallas County;

SESCO, Tom Green County;

Shelby Wood Specialty, Inc., Shelby County;

Sherman Foundry, Grayson County;

Solvent Recovery Services, Fort Bend County;

South Texas Solvents, Nueces County;

State Marine, Jefferson County;

Stoller Chemical Company, Hale County;

Texas American Oil, Ellis County;

Thompson Hayward Chemical, Knox County;

Waste Oil Tank Services, Harris County;

Woodward Industries, Inc., Nacogdoches County; and

Wortham Lead Salvage, Henderson County.

REMOVAL FROM INCLUSION

The Lindsay Post Company Site, located in Alto, Cherokee County, was removed from inclusion on the registry as a site that was proposed for listing in the January 22, 1988, issue of the *Texas Register* (13 TexReg 427).

How to Access Agency Records

Agency records for these sites may be accessible for inspection (viewing) or copying by contacting the TCEQ Central File Room (CFR) Viewing Area, Building E, North Entrance, at 12100 Park 35 Circle, Austin, Texas 78753, by contacting CFR at cfrreq@tceq.texas.gov or phone at (512) 239-0171 to request an appointment (Appointments are necessary for in-person viewing). CFR staff will assist with providing program area contacts for records not maintained in the CFR. Additionally, some CFR records are available electronically and accessible online; at Access Records from our Central File Room - Texas Commission on Environmental Quality - www.tceq.texas.gov or <https://www.tceq.texas.gov/agency/data/records-services>. Parking for persons with disabilities is available on the east side of Building D, convenient to access ramps located between Buildings D and E.

Inquiries concerning the agency Superfund program records may also be directed to Superfund staff at the Superfund toll-free line (800) 633-9363 or e-mail superfnd@tceq.texas.gov.

TRD-202504122

Todd Galiga

Acting Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: November 10, 2025

◆ ◆ ◆

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 November 3, 2025 to November 7, 2025. As required by federal law, the public is given an opportunity to comment on the consistency of proposed activities in the coastal zone undertaken or authorized by federal agencies. Pursuant to 31 TAC §§30.20(f), 30.30(h), and 30.40(e), the public comment period extends 30 days from the date published on the Texas General Land Office web site. The notice was published on the web site on Friday, November 14, 2025. The public comment period for this project will close at 5:00 p.m. on Sunday, December 14, 2025.

Federal License and Permit Activities:

Applicant: EPIC Crude Terminal Company

Location: The project site is located in the Tule Lake Channel approximately 0.83 miles WNW of the former Tule Lift Bridge site, in Corpus Christi, Nueces County, Texas.

Latitude and Longitude: 27.815750, -97.466917

Project Description: The applicant is requesting a modification to deepen and extend dredging thresholds to accommodate a more fully laden Suezmax and Aframax Class Vessel. The proposed dredge footprint would be 11.6 acres to a new maximum depth of -58 feet mean lower low water (MLLW). The newly proposed dredging footprint of 11.6 acres was modified to include all side and end slopes that would be dredged at a 2.5 horizontal to 1.0 vertical grade. The proposed side and end slopes were proposed to achieve a stable slip footprint to reduce erosion and draft development within the slip in an effort to reduce the recurrence of maintenance dredging activities. An estimated volume of 107,852 cubic yards of material would be dredged beyond the previously permitted depth of -51 feet MLLW to achieve mudline elevations down to the required depth of -57 feet MLLW within the slip. An additional estimated 17,975 cubic yards would be dredged below the required depth of the slip and slopes from within a 1' allowable over depth area to a maximum depth of -58 feet MLLW, for a total of an estimated 125,827 cubic yards of dredged material. Dredged material would be placed in one or more of the following DMPAs: Suntide DMPA, Tule Lake DMPA No. 6, South Shore DMPA - Cells A & B, DMPA No. 1, Herbie A. Maurer DMPA, Rincon B West, DMPA 14, DMPA 13, and/or Good Hope DMPA Cell J and I. Maintenance dredging activities would either be performed by mechanical or hydraulic dredge methods with material deposited into one of more of the aforementioned DMPAs. The proposed dredging activity would occur over a period of approximately 3-5 weeks. Following completion of the proposed project, it is estimated that maintenance dredging would occur at a frequency of every 3-5 years over a period of 10 years. It's estimated that maintenance dredging events would result in the dredging of approximately 10,000-15,000 cubic yards of material per maintenance event.

This portion of the Tule Lake Channel is surrounded by multiple similar commercial facilities and is adjacent to the Corpus Christi Ship Channel Improvement Project that is ongoing. The proposed project is an amendment to permit SWG-2024-00559, which authorized a dredging footprint of 6.75 acres to the previously authorized depth of -47 MLLW

with two feet of over dredge and two feet of advanced maintenance for a total dredging depth of -51 MLLW. The project also included a 120-foot-long by 16-foot-wide ramp/walkway connecting the dock to the shoreline with a 90-degree bend along the shoreline to avoid the existing railroad tracks and provide an 85-foot-long by 16-foot-wide approach to accommodate loading access to the dock. The 70-foot by 50-foot dock platform was to accommodate three loading arms, deck crane, ship gangway, and a dock house. Also authorized was the installation of a 602-foot-long sheet pile bulkhead to be placed an average of 90-feet waterward from the shoreline (approximately 1.24-acre area) with approximately 16,000 cubic yards (CY) of fill placed below the ordinary high-water mark (OHWM). Also authorized was the enclosure of a 0.001-acre fringe wetland with the placement of fill material within the enclosed bulkheaded area. This authorization is still active with an expiration date of December 31, 2025. The applicant has not proposed to mitigate for the proposed impacts.

Type of Application: U.S. Army Corps of Engineers permit application #SWG-2014-00559. This application was previously posted as review pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act with 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. This application is now being reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899.

CMP Project No: 25-1117-F1

Applicant: Coastal Bend Bays and Estuaries Program

Location: The project would affect waters of the United States and navigable waters of the United States associated with Copano Bay and is located at 0.33 miles east of the intersection of Rancho Grande and 1st Street, in Bayside, Refugio County, Texas.

Latitude and Longitude: 28.120973, -97.172764

Project Description: To install breakwaters to reduce shoreline erosion and to create a living shoreline behind the breakwaters and proprietary habitat structures. The applicant requests authorization to construct a breakwater structure 1.7 miles long by 50 feet wide, 400 feet from the shore. The breakwater crest elevation is designed to be 4 feet above NAVD88 with a 4 horizontal to 1 vertical grade on the seaward side and a 2 horizontal to 1 vertical grade on the landward side. The crest width is designed to be 4 ft wide. The discharge of fill involves 76,000 cubic yards of riprap and 9,700 cubic yards of proprietary habitat structures into 11.5 acres of open water bottom. The proprietary habitat structures will be designed with stone, concrete, sediment and plants.

The applicant has provided the following explanation why compensatory mitigation should not be required: The applicant is not proposing to mitigate for the proposed impacts stating that the project will reduce or prevent future erosion of the vegetated habitat and the area between the breakwater and the shoreline will be the future site of placement of riprap material, that will be allowed to restore to a more naturalized and native state. Additionally, the installation of a hard substrate will allow for the natural colonization and recruitment of oyster reefs.

Type of Application: U.S. Army Corps of Engineers permit application # SWG-2025-00276. This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. Note: The consistency review for this project may be conducted by Texas Commission on Environmental Quality as part of its certification under §401 of the Clean Water Act.

CMP Project No: 26-1029-F1

Applicant: Calhoun County

Location: The project would affect waters of the United States and navigable waters of the United States associated with Lavaca Bay and is located along the Magnolia Beach shoreline at Matagorda Inlet; in Calhoun County, Texas.

Latitude and Longitude: 28.5603446, -96.5379816

Project Description: To achieve shoreline stabilization of Magnolia Beach through the construction of a jetty system intended to prevent sedimentation within Magnolia Inlet and enhance water circulation between Lavaca Bay and Old Town Lake. The applicant requests authorization to discharge 5,000 cubic yards (CY) of fill material below the high tide line (HTL) of a 0.4-acre area of Lavaca Bay to construct a 790-linear-foot jetty system in two segments. The northern jetty (398 linear feet) and southern jetty (392 linear feet) will border Magnolia Inlet and maintain a crest elevation of +5 feet NAVD88. The stone jetties will be constructed using land-based construction methods and be placed in areas devoid of any special aquatic sites. The project includes mechanical dredging of 2,000 CY of material from 1.1-acre area of Magnolia Inlet to achieve a depth of -3 feet NAVD88. All dredged material will be hauled by truck and placed within the limits of an adjacent beach nourishment project authorized by Permit SWG-2022-00561. The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: No compensatory mitigation is proposed.

Type of Application: U.S. Army Corps of Engineers permit application # SWG-2025-00508. This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. Note: The consistency review for this project may be conducted by Texas Commission on Environmental Quality as part of its certification under §401 of the Clean Water Act.

CMP Project No: 26-1031-F1

Further information on the applications listed above, including a copy of the consistency certifications or consistency determinations for inspection, may be obtained from the Texas General Land Office Public Information Officer at 1700 N. Congress Avenue, Austin, Texas 78701, or via email at pialegal@glo.texas.gov. Comments should be sent to the Texas General Land Office Coastal Management Program Coordinator at the above address or via email at federal.consistency@glo.texas.gov.

TRD-202504102

Jennifer Jones

Chief Clerk and Deputy Land Commissioner

General Land Office

Filed: November 10, 2025



Texas Health and Human Services Commission

Notice of Public Hearing on Proposed Rate Actions Related to Reimbursement for Federal Substance Use Prevention, Treatment, and Recovery Block Grant Services for Women with Dependent Children in Residential Treatment Facilities, Effective No Later Than September 1, 2026

Hearing. The Texas Health and Human Services Commission (HHSC) will hold a public hearing on December 19, 2025, at 9:00 a.m. CST to receive public comments on the proposed payment rates.

This hearing will be conducted both in person and as an online event. To join the hearing from your computer, tablet, or smartphone, register for the hearing in advance using the following registration URL:

<https://attendee.gotowebinar.com/register/3627643353678750046>

After registering, you will receive a confirmation email containing information about joining the webinar. Instructions for dialing in by phone will be provided via email after you register.

Members of the public may attend the rate hearing in person. The hearing will be held in the HHSC North Austin Complex Building, Public Hearing Room 1.401, located at 4601 W. Guadalupe Street, Austin, Texas 78751. A recording of the hearing will be archived and accessible on demand at <https://hhs.texas.gov/about-hhs/communications-events/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 reimbursements for medical assistance.

A live stream of the meeting is available at <https://hhs.texas.gov/about-hhs/communications-events/live-archived-meetings>. For the live stream, select the "North Austin Complex Live" tab. A recording of the hearing will be archived and can be accessed on demand at <https://hhs.texas.gov/about-hhs/communications-events/live-archived-meetings> under the "Archived" tab. HHSC will archive the recorded public hearing.

Proposal. HHSC proposes rate actions for grant recipients of the Federal Substance Use Prevention, Treatment, and Recovery Services block grant for up to three dependent children accompanying the child or children's mother in a residential treatment setting, effective no later than September 1, 2026.

Methodology and Justification. HHSC is responsible for developing a rate-setting methodology for certain services reimbursable to grant recipients of the Federal Substance Use Prevention, Treatment, and Recovery Services block grant. HHSC proposes payment rates in accordance with the 2025-26 General Appropriations Act (GAA), Senate Bill 1, 89th Legislature, Regular Session 2025 (Article II, HHSC, Rider 57), effective no later than September 1, 2026.

Rate Hearing Packet. A briefing packet describing the proposed payment rates will be made available no later than December 1, 2025, at <https://pfd.hhs.texas.gov/rate-packets>. Interested parties may obtain a copy of the briefing packet on or after that date by contacting the Provider Finance Department by telephone at (512) 730-7401, by fax at (512) 730-7475, or by email at PFD-LTSS@hhs.texas.gov.

Written Comments. Written comments regarding the proposed payment rates may be submitted instead of oral testimony until 5:00 p.m. on 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 Department, Mail Code H-400, P.O. Box 149030, Austin, Texas 78714-9030; by fax to Provider Finance at (512) 730-7475; or by email to PFD-LTSS@hhs.texas.gov. In addition, written comments may be sent by overnight mail to Texas Health and Human Services Commission, Attention: Provider Finance Department, Mail Code H-400, North Austin Complex, 4601 W. Guadalupe St., Austin, Texas 78751.

Preferred Communication. For the quickest response, please use email or phone to communicate with HHSC regarding this rate hearing.

Persons with disabilities who wish to participate in the hearing and require auxiliary aids or services should call the Provider Finance Department at (512) 730-7401 at least 72 hours before the hearing so appropriate arrangements can be made.

TRD-202504132

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: November 12, 2025

◆ ◆ ◆

Texas Department of Housing and Community Affairs

Notice of Funding Availability (NOFA) Release for 2026 Community Services Block Grant Discretionary (CSBG-D) Funds - Reentry Activities

The Texas Department of Housing and Community Affairs (the Department) announces the availability of \$400,000 in CSBG Discretionary funding for Reentry Activities. Each year the Department sets aside 5% of its annual CSBG allocation for state discretionary use. Each year funds from CSBG Discretionary are used for specific identified efforts that the Department supports such as assisting previously incarcerated individuals reenter the community and helping them to obtain rental housing through landlord incentives, security deposits and other reentry activities related to housing. This year, \$400,000 has been programmed for Reentry Activities for which the Department is issuing this NOFA. The Department will release funds competitively.

The Department's contract period for the 2026 CSBG Discretionary Reentry Activities is 12 months and is anticipated to begin May 1, 2026, and end on April 30, 2027.

Interested applicants must meet the requirements set forth in the NOFA and must submit a complete application through the established system described in the NOFA by 5:00 p.m., Central Time on December 10, 2025.

The application forms contained in this packet and submission instructions are available on the Department's web site at <https://www.tdhca.texas.gov/notices-funding-availability-nofas>. Should you have any questions, please contact Isela Dove at (512) 475-4049 or isela.dove@tdhca.texas.gov.

TRD-202504060

Bobby Wilkinson

Executive Director

Texas Department of Housing and Community Affairs

Filed: November 7, 2025

◆ ◆ ◆

Notice of Funding Availability (NOFA) Release for 2026-1 National Housing Trust Fund (NHTF) - Multifamily Rental Development

The Texas Department of Housing and Community Affairs (the Department) announces the availability of \$16,395,223.42 in NHTF. Each year the Department receives an allocation of National Housing Trust Fund for Multifamily Rental Development. Each year funds from the NHTF allocation are used by the Department in the form of below market interest rate, construction to permanent loans to developing entities for the construction and/or rehabilitation of 30% AMI units.

The Department's application acceptance period for the 2026-1 NHTF NOFA begins December 15 and concludes May 31, 2026.

Interested applicants must meet the requirements set forth in the NOFA, 10 TAC Chapter 11, 10 TAC Chapter 13, and all applicable CFR and federal rules.

The application forms contained in this packet and submission instructions are available on the Department's web site at <https://www.tdhca.texas.gov/apply-funds>. Should you have any questions, please contact Connor Jones at or connor.jones@tdhca.texas.gov.

TRD-202504062

Bobby Wilkinson

Executive Director

Texas Department of Housing and Community Affairs

Filed: November 7, 2025

◆ ◆ ◆

Texas Department of Insurance

Company Licensing

Application for PMI Insurance Co., a foreign fire and/or casualty company, to change its name to Anza Mortgage Insurance Corporation. The home office is in Wilmington, North Carolina.

Application for incorporation in the state of Texas for Nasau Insurance Company of Texas, a domestic life, accident, and/or health company. The home office is in Austin, Texas.

Any objections must be filed with the Texas Department of Insurance, within twenty (20) calendar days from the date of the *Texas Register* publication, addressed to the attention of Andrew Guerrero, 1601 Congress Ave., Suite 6.900, Austin, Texas 78701.

TRD-202504129

Justin Beam

Chief Clerk

Texas Department of Insurance

Filed: November 12, 2025

◆ ◆ ◆

Texas Department of Licensing and Regulation

Scratch Ticket Game Number 2711 "30X THE CASH WORD SEARCH"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2711 is "30X THE CASH WORD SEARCH". The play style is "other".

1.1 Price of Scratch Ticket Game.

A. Tickets for Scratch Ticket Game No. 2711 shall be \$3.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2711.

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: A SYMBOL, B SYMBOL, C SYMBOL, D SYMBOL, E SYMBOL, F SYMBOL, G SYMBOL, H SYMBOL, I SYMBOL, J SYMBOL, K SYMBOL, L SYMBOL, M SYMBOL, N SYMBOL, O SYMBOL, P SYMBOL, Q SYMBOL, R SYMBOL, S SYMBOL, T SYMBOL, U SYMBOL, V SYMBOL, W SYMBOL, X SYMBOL, Y SYMBOL, Z SYMBOL, 2X SYMBOL, 3X SYMBOL, 5X SYMBOL, 30X SYMBOL, \$3.00, \$5.00, \$10.00, \$15.00, \$20.00, \$30.00, \$45.00, \$90.00, \$150, \$300, \$2,000 and \$60,000.

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. Crossword and Bingo style games do not typically have Play

Symbol captions. The Play Symbol Caption which corresponds with and verifies each Play Symbol is as follows:

Figure 1: GAME NO. 2711 - 1.2D

PLAY SYMBOL	CAPTION
A SYMBOL	
B SYMBOL	
C SYMBOL	
D SYMBOL	
E SYMBOL	
F SYMBOL	
G SYMBOL	
H SYMBOL	
I SYMBOL	
J SYMBOL	
K SYMBOL	
L SYMBOL	
M SYMBOL	
N SYMBOL	
O SYMBOL	
P SYMBOL	
Q SYMBOL	
R SYMBOL	
S SYMBOL	
T SYMBOL	
U SYMBOL	
V SYMBOL	
W SYMBOL	
X SYMBOL	
Y SYMBOL	
Z SYMBOL	
2X SYMBOL	DBL

3X SYMBOL	TRP
5X SYMBOL	WINX5
30X SYMBOL	WINX30
\$3.00	THR\$
\$5.00	FIV\$
\$10.00	TEN\$
\$15.00	FFN\$
\$20.00	TWY\$
\$30.00	TRTY\$
\$45.00	FRFV\$
\$90.00	NITY\$
\$150	ONFF
\$300	THHN
\$2,000	TOTH
\$60,000	60TH

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 (2711), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 125 within each Pack. The format will be: 2711-0000001-001.

H. Pack - A Pack of "30X THE CASH WORD SEARCH" Scratch Ticket Game contains 125 Scratch Tickets, packed in plastic shrink-wrapping and fanfolded in pages of one (1). There will be 2 fanfold configurations for this game. Configuration A will show the front of Ticket 001 and the back of Ticket 125. Configuration B will show the back of Ticket 001 and the front of Ticket 125.

I. Non-Winning 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 and Charitable Bingo Division of the Texas Department of Licensing and Regulation (Texas Lottery) pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 140.

J. Scratch Ticket Game, Scratch Ticket or Ticket - A Texas Lottery "30X THE CASH WORD SEARCH" Scratch Ticket Game No. 2711.

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 "30X THE CASH WORD SEARCH" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose seventy-eight (78) Play Symbols. GAMES 1 - 10 PLAY INSTRUCTIONS: A player completely scratches all of the YOUR 18 LETTERS Play Symbols. Then the player scratches all of the letters found in GAMES 1 - 10 that exactly match the YOUR 18 LETTERS Play Symbols. If the player matches all the letters in the same GAME with the YOUR 18 LETTERS Play Symbols, the player wins the PRIZE for that GAME. MULTIPLIER PLAY INSTRUCTIONS: The player scratches the MULTIPLIER play area to reveal 2 MULTIPLIER SYMBOLS Play Symbols. If the player reveals 2 matching MULTIPLIER SYMBOLS Play Symbols, the player multiplies the total prize won in GAMES 1 - 10 by that multiplier and wins that amount. For example, if the player reveals 2 "30X" MULTIPLIER SYMBOLS Play Symbols the player will multiply the total prize won by 30 TIMES. 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 seventy-eight (78) 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. Crossword and Bingo style games do not typically have Play Symbol captions;
 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 seventy-eight (78) 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 seventy-eight (78) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;
 17. Each of the seventy-eight (78) 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 four (4) 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. GENERAL: The top Prize Symbol will appear on every Ticket, unless restricted by other parameters, play action or prize structure.

D. GENERAL: Each Ticket consists of a YOUR 18 LETTERS play area, a GAMES 1 - 10 play area and a MULTIPLIER play area.

E. YOUR 18 LETTERS: Each letter will appear once per Ticket in the YOUR 18 LETTERS play area.

F. YOUR 18 LETTERS: There will be a minimum of three (3) vowels in the YOUR 18 LETTERS play area. Vowels are A, E, I, O and U.

G. YOUR 18 LETTERS: A player will never find a word horizontally (in any direction), vertically (in any direction) or diagonally (in any direction) in the YOUR 18 LETTERS play area that matches a word in GAMES 1 - 10.

H. YOUR 18 LETTERS: A minimum of fourteen (14) YOUR 18 LETTERS will open at least one (1) letter in GAMES 1 - 10.

I. YOUR 18 LETTERS: None of the words from the TX_Prohibited_Words_Vers.2.042321.docx will appear horizontally, vertically or diagonally (in any direction) in the YOUR 18 LETTERS play area.

J. YOUR 18 LETTERS: The words "VD" and "ED" will not be presented in a row horizontally or diagonally in the YOUR 18 LETTERS play area.

K. GAMES 1 - 10: Each word will appear only once per Ticket in GAMES 1 - 10.

L. GAMES 1 - 10: The length of the words found in GAMES 1 - 10 will range from three (3) to seven (7) letters, as shown on the artwork.

M. GAMES 1 - 10: The \$3 and \$5 Prize Symbols will only appear in GAMES 3 - 10. The \$150 and \$300 Prize Symbols will only appear in GAMES 1 - 7. The \$2,000 and \$60,000 Prize Symbols will only appear in GAMES 1 - 4.

N. GAMES 1 - 10: Only words from the approved words list (TX_Approved_Words_Vers.2.042321.doc) will appear in GAMES 1 - 10.

O. GAMES 1 - 10: None of the words from the TX_Prohibited_Words_Vers.2.042321.docx will appear vertically or diagonally (in any direction) in GAMES 1 - 10.

P. GAMES 1 - 10: \$10.00, \$15.00, \$20.00, \$30.00, \$45.00 and \$90.00 Prize Symbols can appear in GAMES 1 - 10.

Q. MULTIPLIER: The "2X" (DBL), "3X" (TRP), "5X" (WINX5) and "30X" (WINX30) Play Symbols will only appear in the MULTIPLIER

play area and will never appear in the GAMES 1 - 10 or YOUR 18 LETTERS play areas.

R. MULTIPLIER: Two (2) matching MULTIPLIER Play Symbols of "2X" (DBL), "3X" (TRP), "5X" (WINX5) or "30X" (WINX30) will only appear on winning Tickets, as dictated by the prize structure.

S. MULTIPLIER: Tickets that do not win in the MULTIPLIER play area will display two (2) different MULTIPLIER Play Symbols.

2.3 Procedure for Claiming Prizes.

A. To claim a "30X THE CASH WORD SEARCH" Scratch Ticket Game prize of \$3.00, \$5.00, \$10.00, \$15.00, \$20.00, \$30.00, \$45.00, \$90.00, \$150 or \$300, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and may present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a \$30.00, \$45.00, \$90.00, \$150 or \$300 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 "30X THE CASH WORD SEARCH" Scratch Ticket Game prize of \$2,000 or \$60,000, 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 "30X THE CASH WORD SEARCH" Scratch Ticket Game prize, the claimant may submit the signed winning Scratch Ticket and a thoroughly completed claim form via mail. If a prize value is \$1,000,000 or more, the claimant must also provide proof of Social Security number or Tax Payer Identification (for U.S. Citizens or Resident Aliens). Mail all to: Texas Lottery, 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.

F. If a person is indebted or owes delinquent taxes to the State, and is selected as a winner in a promotional second-chance drawing, the debt to the State must be paid within 14 days of notification or the prize will be awarded to an Alternate.

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 "30X THE CASH WORD SEARCH" 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 "30X THE CASH WORD SEARCH" 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 Game 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.

2.9 Promotional Second-Chance Drawings. Any Non-Winning "30X THE CASH WORD SEARCH" Scratch Ticket may be entered into one (1) of five (5) promotional drawings for a chance to win a promotional second-chance drawing prize. See instructions on the back of the Scratch Ticket for information on eligibility and entry requirements.

3.0 Scratch Ticket Ownership.

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

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

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

4.0 Number and Value of Scratch Ticket Prizes. There will be approximately 17,040,000 Scratch Tickets in the Scratch Ticket Game No. 2711. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2711 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$3.00	1,704,000	10.00
\$5.00	681,600	25.00
\$10.00	613,440	27.78
\$15.00	511,200	33.33
\$20.00	238,560	71.43
\$30.00	102,240	166.67
\$45.00	17,040	1,000.00
\$90.00	10,650	1,600.00
\$150	2,698	6,315.79
\$300	710	24,000.00
\$2,000	30	568,000.00
\$60,000	6	2,840,000.00

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

**The overall odds of winning a prize are 1 in 4.39. 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. 2711 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 Game 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. 2711, 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-202504136
Deanne Rienstra
Interim General Counsel Lottery and Charitable Bingo
Texas Department of Licensing and Regulation
Filed: November 12, 2025

◆ ◆ ◆

Scratch Ticket Game Number 2712 "50X THE CASH"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2712 is "50X THE CASH". The play style is "key number match".

1.1 Price of Scratch Ticket Game.

A. Tickets for Scratch Ticket Game No. 2712 shall be \$5.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2712.

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: ARMORED

CAR SYMBOL, ATM CARD SYMBOL, BANK SYMBOL, DOLLAR BILL SYMBOL, CHECK SYMBOL, POKER CHIP SYMBOL, CROWN SYMBOL, DICE SYMBOL, STAR SYMBOL, CASH REGISTER SYMBOL, DIAMOND RING SYMBOL, VAULT SYMBOL, 01, 02, 03, 04, 05, 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, MONEYBAG SYMBOL, 10X SYMBOL, 20X SYMBOL, 50X SYMBOL, \$5.00, \$10.00, \$15.00, \$25.00, \$50.00, \$100, \$500, \$5,000 and \$200,000.

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. 2712 - 1.2D

PLAY SYMBOL	CAPTION
01	ONE
02	TWO
03	THR
04	FOR
05	FIV
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	TWFO
26	TWSX
27	TWSV
28	TWET
29	TWNI

30	TRTY
31	TRON
32	TRTO
33	TRTH
34	TRFR
35	TRFV
36	TRSX
37	TRSV
38	TRET
39	TRNI
40	FRTY
41	FRON
42	FRTO
43	FRTH
44	FRFR
45	FRFV
46	FRSX
47	FRSV
48	FRET
49	FRNI
51	FFON
52	FFTO
53	FFTH
54	FFFR
55	FFFV
56	FFSX
57	FFSV
58	FFET
59	FFNI

ARMORED CAR SYMBOL	ARMCAR
ATM CARD SYMBOL	CARD
BANK SYMBOL	BANK
BILL SYMBOL	BILL
CHECK SYMBOL	CHECK
CHIP SYMBOL	CHIP
CROWN SYMBOL	CROWN
DICE SYMBOL	DICE
STAR SYMBOL	STAR
REGISTER SYMBOL	REGISTER
RING SYMBOL	RING
VAULT SYMBOL	VAULT
MONEY BAG SYMBOL	WIN\$
10X SYMBOL	WINX10
20X SYMBOL	WINX20
50X SYMBOL	WINX50
\$5.00	FIV\$
\$10.00	TEN\$
\$15.00	FFN\$
\$25.00	TWV\$
\$50.00	FFTY\$
\$100	ONHN
\$500	FVHN
\$5,000	FVTH
\$200,000	200TH

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 (2712), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 075 within each Pack. The format will be: 2712-0000001-001.

H. Pack - A Pack of "50X THE CASH" Scratch Ticket Game contains 75 Scratch Tickets, packed in plastic shrink-wrapping and fanfolded in pages of one (1). There will be 2 fanfold configurations for this game. Configuration A will show the front of Ticket 001 and the back of Ticket 075. Configuration B will show the back of Ticket 001 and the front of Ticket 075.

I. Non-Winning 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 and Charitable Bingo Division of the Texas Department of Licensing and Regulation (Texas Lottery) pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 140.

J. Scratch Ticket Game, Scratch Ticket or Ticket - A Texas Lottery "50X THE CASH" Scratch Ticket Game No. 2712.

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 "50X THE CASH" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose fifty-one (51) Play Symbols. PLAY INSTRUCTIONS: BONUS \$25 SPOT: If a player reveals 2 matching Play Symbols in the BONUS \$25 SPOT, the player wins \$25. BONUS \$50 SPOT: If the player reveals 2 matching Play Symbols in the BONUS \$50 spot, the player wins \$50. BONUS \$100 SPOT: If the player reveals 2 matching Play Symbols in the BONUS \$100 SPOT, the player wins \$100. 50X THE CASH: A player scratches the entire play area to reveal 5 WINNING NUMBERS Play Symbols and 20 YOUR NUMBERS Play Symbols. If the player matches any of the YOUR NUMBERS Play Symbols to any of the WINNING NUMBERS Play Symbols, the player wins the prize for that number. If the player reveals a "MONEY BAG" Play Symbol, the player wins the prize for that symbol instantly. 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. No portion of the Display Printing nor any extraneous matter whatsoever shall be usable or playable as a part of the Scratch Ticket.

2.1 Scratch Ticket Validation Requirements.

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

1. Exactly fifty-one (51) Play Symbols must appear under the Latex Overprint on the front portion of the Scratch Ticket;
2. Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption;
3. Each of the Play Symbols must be present in its entirety and be fully legible;
4. Each of the Play Symbols must be printed in black ink except for dual image games;
5. The Scratch Ticket shall be intact;
6. The Serial Number and Game-Pack-Ticket Number must be present in their entirety and be fully legible;
7. The Serial Number must correspond, using the Texas Lottery's codes, to the Play Symbols on the Scratch Ticket;

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

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

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

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

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

13. The Scratch Ticket must be complete and not miscut, and have exactly fifty-one (51) Play Symbols under the Latex Overprint on the front portion of the Scratch Ticket, exactly one Serial Number and exactly one Game-Pack-Ticket Number on the Scratch Ticket;

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

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

16. Each of the fifty-one (51) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the fifty-one (51) 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 twenty-three (23) 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. GENERAL: The top Prize Symbol will appear on every Ticket, unless restricted by other parameters, play action or prize structure.

D. KEY NUMBER MATCH: Each Ticket will have five (5) different WINNING NUMBERS Play Symbols.

E. KEY NUMBER MATCH: Non-winning YOUR NUMBERS Play Symbols will all be different.

F. KEY NUMBER MATCH: Identical non-winning Prize Symbols will never appear more than three (3) times on a Ticket.

G. KEY NUMBER MATCH: The "MONEY BAG" (WIN\$), "10X" (WINX10), "20X" (WINX20) and "50X" (WINX50) Play Symbols will never appear in the WINNING NUMBERS Play Symbol spots.

H. KEY NUMBER MATCH: The "MONEY BAG" (WIN\$), "10X" (WINX10), "20X" (WINX20) and "50X" (WINX50) Play Symbols will never appear in any of the BONUS SPOT play areas.

I. KEY NUMBER MATCH: The "10X" (WINX10), "20X" (WINX20) and "50X" (WINX50) Play Symbols will only appear on winning Tickets as dictated by the prize structure.

J. KEY NUMBER MATCH: Non-winning Prize Symbols will never be the same as winning Prize Symbol(s).

K. KEY NUMBER MATCH: No prize amount in a non-winning spot will correspond with the YOUR NUMBERS Play Symbol (i.e., 15 and \$15).

L. BONUS \$25 SPOT, BONUS \$50 SPOT and BONUS \$100 SPOT: Matching Play Symbols will only appear as dictated by the prize structure in winning BONUS \$25 SPOT, BONUS \$50 SPOT and BONUS \$100 SPOT play areas.

M. BONUS \$25 SPOT, BONUS \$50 SPOT and BONUS \$100 SPOT: A Play Symbol will not be used more than one (1) time per Ticket across the BONUS \$25 SPOT, BONUS \$50 SPOT and BONUS \$100 SPOT play areas, unless used in a winning combination.

N. BONUS \$25 SPOT, BONUS \$50 SPOT and BONUS \$100 SPOT: The BONUS \$25 SPOT, BONUS \$50 SPOT and BONUS \$100 SPOT Play Symbols will never appear in the WINNING NUMBERS or YOUR NUMBERS Play Symbol spots.

O. BONUS \$25 SPOT, BONUS \$50 SPOT and BONUS \$100 SPOT: In the BONUS \$25 SPOT, BONUS \$50 SPOT and BONUS \$100 SPOT play areas, non-winning Play Symbols will not be the same as winning Play Symbols.

P. BONUS \$25 SPOT, BONUS \$50 SPOT and BONUS \$100 SPOT: The BONUS \$25 SPOT, BONUS \$50 SPOT and BONUS \$100 SPOT play areas will each be played separately.

2.3 Procedure for Claiming Prizes.

A. To claim a "50X THE CASH" Scratch Ticket Game prize of \$5.00, \$10.00, \$15.00, \$25.00, \$50.00, \$100 or \$500, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and may present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a \$25.00, \$50.00, \$100 or \$500 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified

promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

B. To claim a "50X THE CASH" Scratch Ticket Game prize of \$5,000 or \$200,000, 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 "50X THE CASH" Scratch Ticket Game prize, the claimant may submit the signed winning Scratch Ticket and a thoroughly completed claim form via mail. If a prize value is \$1,000,000 or more, the claimant must also provide proof of Social Security number or Tax Payer Identification (for U.S. Citizens or Resident Aliens). Mail all to: Texas Lottery, 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.

F. If a person is indebted or owes delinquent taxes to the State, and is selected as a winner in a promotional second-chance drawing, the debt to the State must be paid within 14 days of notification or the prize will be awarded to an Alternate.

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 "50X THE CASH" 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 "50X THE CASH" 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 Game 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.

2.9 Promotional Second-Chance Drawings. Any Non-Winning "50X THE CASH" Scratch Ticket may be entered into one (1) of five (5) promotional drawings for a chance to win a promotional second-chance

drawing prize. See instructions on the back of the Scratch Ticket for information on eligibility and entry requirements.

3.0 Scratch Ticket Ownership.

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

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

4.0 Number and Value of Scratch Ticket Prizes. There will be approximately 15,000,000 Scratch Tickets in the Scratch Ticket Game No. 2712. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2712 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$5.00	1,600,000	9.38
\$10.00	1,000,000	15.00
\$15.00	300,000	50.00
\$25.00	500,000	30.00
\$50.00	200,000	75.00
\$100	32,000	468.75
\$500	875	17,142.86
\$5,000	8	1,875,000.00
\$200,000	4	3,750,000.00

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

**The overall odds of winning a prize are 1 in 4.13. 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. 2712 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 Game 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. 2712, 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-202504138
Deanne Rienstra
Interim General Counsel Lottery and Charitable Bingo
Texas Department of Licensing and Regulation
Filed: November 12, 2025



Scratch Ticket Game Number 2713 "100X THE CASH"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2713 is "100X THE CASH". The play style is "key number match".

1.1 Price of Scratch Ticket Game.

A. Tickets for Scratch Ticket Game No. 2713 shall be \$10.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2713.

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: ARMORED CAR SYMBOL, BANK SYMBOL, BAR SYMBOL, BELL SYMBOL, BILL SYMBOL, ATM CARD SYMBOL, CHECK SYMBOL, CHERRY SYMBOL, CHIP SYMBOL, CLUB SYMBOL, CROWN SYMBOL, DIAMOND SYMBOL, DICE SYMBOL, HEART SYMBOL, STAR SYMBOL, NECKLACE SYMBOL, REGISTER SYMBOL, RING SYMBOL, SEVEN SYMBOL, SPADE SYMBOL, SUN SYMBOL, VAULT SYMBOL, 01, 02, 03, 04, 05, 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, MONEY BAG SYMBOL, 10X SYMBOL, 20X SYMBOL, 50X SYMBOL, 100X SYMBOL, \$10.00, \$20.00, \$30.00, \$50.00, \$100, \$200, \$500, \$2,000, \$10,000 and \$500,000.

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. 2713 - 1.2D

PLAY SYMBOL	CAPTION
ARMORED CAR SYMBOL	ARMCAR
BANK SYMBOL	BANK
BAR SYMBOL	BAR
BELL SYMBOL	BELL
BILL SYMBOL	BILL
ATM CARD SYMBOL	CARD
CHECK SYMBOL	CHECK
CHERRY SYMBOL	CHERRY
CHIP SYMBOL	CHIP
CLUB SYMBOL	CLUB
CROWN SYMBOL	CROWN
DIAMOND SYMBOL	DIAMOND
DICE SYMBOL	DICE
HEART SYMBOL	HEART
STAR SYMBOL	STAR
NECKLACE SYMBOL	NECKLACE
REGISTER SYMBOL	REGISTER
RING SYMBOL	RING
SEVEN SYMBOL	SEVEN
SPADE SYMBOL	SPADE
SUN SYMBOL	SUN
VAULT SYMBOL	VAULT
01	ONE
02	TWO
03	THR
04	FOR
05	FIV

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	TWV
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	FRT0
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
MONEY BAG SYMBOL	WIN\$
10X SYMBOL	WINX10
20X SYMBOL	WINX20
50X SYMBOL	WINX50
100X SYMBOL	WINX100
\$10.00	TEN\$
\$20.00	TWY\$
\$30.00	TRTY\$
\$50.00	FFTY\$
\$100	ONHN
\$200	TOHN
\$500	FVHN
\$2,000	TOTH
\$10,000	10TH
\$500,000	500TH

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 (2713), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 050 within each Pack. The format will be: 2713-0000001-001.

H. Pack - A Pack of "100X THE CASH" Scratch Ticket Game contains 050 Scratch Tickets, packed in plastic shrink-wrapping and fanfolded in pages of one (1). Ticket back 001 and 050 will both be exposed.

I. Non-Winning 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 and Charitable Bingo Division of the Texas Department of Licensing and Regulation (Texas Lottery) pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 140.

J. Scratch Ticket Game, Scratch Ticket or Ticket - A Texas Lottery "100X THE CASH" Scratch Ticket Game No. 2713.

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 "100X THE CASH" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose sixty-five (65) Play Symbols. PLAY INSTRUCTIONS: BONUS \$50 SPOT: If a player reveals 2 matching Play Symbols in the same BONUS \$50 SPOT, the player wins \$50. BONUS \$100 SPOT: If a player reveals 2 matching Play Symbols in the same BONUS \$100 SPOT, the player wins \$100. 100X THE CASH: The player scratches the entire play area to reveal 5 WINNING NUMBERS Play Symbols and 25 YOUR NUMBERS Play Symbols. If the player matches any of the YOUR NUMBERS Play Symbols to any of the WINNING NUMBERS Play Symbols, the player wins

the prize for that number. If the player reveals a "MONEY BAG" Play Symbol, the player wins the prize for that symbol instantly. 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 "100X" Play Symbol, the player wins 100 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 sixty-five (65) Play Symbols must appear under the Latex Overprint on the front portion of the Scratch Ticket;
2. Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption;
3. Each of the Play Symbols must be present in its entirety and be fully legible;
4. Each of the Play Symbols must be printed in black ink except for dual image games;
5. The Scratch Ticket shall be intact;
6. The Serial Number and Game-Pack-Ticket Number must be present in their entirety and be fully legible;
7. The Serial Number must correspond, using the Texas Lottery's codes, to the Play Symbols on the Scratch Ticket;
8. The Scratch Ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted or tampered with in any manner;
9. The Scratch Ticket must not be counterfeit in whole or in part;
10. The Scratch Ticket must have been issued by the Texas Lottery in an authorized manner;
11. The Scratch Ticket must not have been stolen, nor appear on any list of omitted Scratch Tickets or non-activated Scratch Tickets on file at the Texas Lottery;
12. The Play Symbols, Serial Number and Game-Pack-Ticket Number must be right side up and not reversed in any manner;
13. The Scratch Ticket must be complete and not miscut, and have exactly sixty-five (65) Play Symbols under the Latex Overprint on the front portion of the Scratch Ticket, exactly one Serial Number and exactly one Game-Pack-Ticket Number on the Scratch Ticket;
14. The Serial Number of an apparent winning Scratch Ticket shall correspond with the Texas Lottery's Serial Numbers for winning Scratch Tickets, and a Scratch Ticket with that Serial Number shall not have been paid previously;
15. The Scratch Ticket must not be blank or partially blank, misregistered, defective or printed or produced in error;
16. Each of the sixty-five (65) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;
17. Each of the sixty-five (65) 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 (30) 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. GENERAL: The top Prize Symbol will appear on every Ticket, unless restricted by other parameters, play action or prize structure.

D. KEY NUMBER MATCH: Each Ticket will have five (5) different WINNING NUMBERS Play Symbols.

E. KEY NUMBER MATCH: Non-winning YOUR NUMBERS Play Symbols will all be different.

F. KEY NUMBER MATCH: Identical non-winning Prize Symbols will never appear more than four (4) times on a Ticket.

G. KEY NUMBER MATCH: The "MONEY BAG" (WIN\$), "10X" (WINX10), "20X" (WINX20), "50X" (WINX50) and "100X" (WINX100) Play Symbols will never appear in the WINNING NUMBERS Play Symbol spots.

H. KEY NUMBER MATCH: The "MONEY BAG" (WIN\$), "10X" (WINX10), "20X" (WINX20), "50X" (WINX50) and "100X" (WINX100) Play Symbols will never appear in any of the BONUS SPOT play areas.

I. KEY NUMBER MATCH: The "10X" (WINX10), "20X" (WINX20), "50X" (WINX50) and "100X" (WINX100) Play Symbols will only appear on winning Tickets as dictated by the prize structure.

J. KEY NUMBER MATCH: Non-winning Prize Symbols will never be the same as winning Prize Symbol(s).

K. KEY NUMBER MATCH: No prize amount in a non-winning spot will correspond with the YOUR NUMBERS Play Symbol (i.e., 30 and \$30).

L. BONUS \$50 SPOTS and BONUS \$100 SPOTS: Matching Play Symbols will only appear as dictated by the prize structure in winning BONUS \$50 SPOT and BONUS \$100 SPOT play areas.

M. BONUS \$50 SPOTS and BONUS \$100 SPOTS: A Play Symbol will not be used more than one (1) time per Ticket across the BONUS \$50 SPOT and BONUS \$100 SPOT play areas, unless used in a winning combination.

N. BONUS \$50 SPOTS and BONUS \$100 SPOTS: The BONUS \$50 SPOT and BONUS \$100 SPOT Play Symbols will never appear in the WINNING NUMBERS or YOUR NUMBERS Play Symbol spots.

O. BONUS \$50 SPOTS and BONUS \$100 SPOTS: In the BONUS \$50 SPOT and BONUS \$100 SPOT play areas, non-winning Play Symbols will not be the same as winning Play Symbols.

P. BONUS \$50 SPOTS and BONUS \$100 SPOTS: The BONUS \$50 SPOT and BONUS \$100 SPOT play areas will each be played separately.

2.3 Procedure for Claiming Prizes.

A. To claim a "100X THE CASH" Scratch Ticket Game prize of \$10.00, \$20.00, \$30.00, \$50.00, \$100, \$200 or \$500, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and may present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a \$30.00, \$50.00, \$100, \$200 or \$500 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

B. To claim a "100X THE CASH" Scratch Ticket Game prize of \$2,000, \$10,000 or \$500,000, 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 "100X THE CASH" Scratch Ticket Game prize, the claimant may submit the signed winning Scratch Ticket and a thoroughly completed claim form via mail. If a prize value is \$1,000,000 or more, the claimant must also provide proof of Social Security number or Tax Payer Identification (for U.S. Citizens or Resident Aliens). Mail all to: Texas Lottery, 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.

F. If a person is indebted or owes delinquent taxes to the State, and is selected as a winner in a promotional second-chance drawing, the debt to the State must be paid within 14 days of notification or the prize will be awarded to an Alternate.

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 "100X THE CASH" 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 "100X THE CASH" 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 Game 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.

2.9 Promotional Second-Chance Drawings. Any Non-Winning "100X THE CASH" Scratch Ticket may be entered into one (1) of five (5) promotional drawings for a chance to win a promotional second-chance drawing prize. See instructions on the back of the Scratch Ticket for information on eligibility and entry requirements.

3.0 Scratch Ticket Ownership.

A. Until such time as a signature is placed upon the back portion of a Scratch Ticket in the space designated, a Scratch Ticket shall be owned by the physical possessor of said Scratch Ticket. When a signature is

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

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

4.0 Number and Value of Scratch Ticket Prizes. There will be approximately 12,000,000 Scratch Tickets in the Scratch Ticket Game No. 2713. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2713 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$10.00	1,200,000	10.00
\$20.00	840,000	14.29
\$30.00	360,000	33.33
\$50.00	480,000	25.00
\$100	118,500	101.27
\$200	15,200	789.47
\$500	900	13,333.33
\$2,000	115	104,347.83
\$10,000	8	1,500,000.00
\$500,000	4	3,000,000.00

*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 3.98. 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. 2713 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 Game 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. 2713, 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-202504137

Deanne Rienstra

Interim General Counsel Lottery and Charitable Bingo

Texas Department of Licensing and Regulation

Filed: November 12, 2025



Scratch Ticket Game Number 2714 "200X THE CASH"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2714 is "200X THE CASH". The play style is "key number match".

1.1 Price of Scratch Ticket Game.

A. Tickets for Scratch Ticket Game No. 2714 shall be \$20.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2714.

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: ARMORED CAR SYMBOL, ATM CARD SYMBOL, BANK SYMBOL, BAR SYMBOL, BELL SYMBOL, CHECK SYMBOL, CHERRY SYMBOL, CHIP SYMBOL, CLUB SYMBOL, CROWN SYMBOL, DIAMOND SYMBOL, HEART SYMBOL, NECKLACE SYMBOL,

REGISTER SYMBOL, RING SYMBOL, SEVEN SYMBOL, SPADE SYMBOL, STAR SYMBOL, SUN SYMBOL, VAULT SYMBOL, 01, 02, 03, 04, 05, 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, MONEY BAG SYMBOL, 10X SYMBOL, 20X SYMBOL, 50X SYMBOL, 100X SYMBOL, 200X SYMBOL, \$20.00, \$40.00, \$50.00, \$100, \$200, \$500, \$2,000, \$20,000 and \$1,000,000.

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. 2714 - 1.2D

PLAY SYMBOL	CAPTION
ARMORED CAR SYMBOL	ARMCAR
ATM CARD SYMBOL	CARD
BANK SYMBOL	BANK
BAR SYMBOL	BAR
BELL SYMBOL	BELL
CHECK SYMBOL	CHECK
CHERRY SYMBOL	CHERRY
CHIP SYMBOL	CHIP
CLUB SYMBOL	CLUB
CROWN SYMBOL	CROWN
DIAMOND SYMBOL	DIAMOND
HEART SYMBOL	HEART
NECKLACE SYMBOL	NECKLACE
REGISTER SYMBOL	REGISTER
RING SYMBOL	RING
SEVEN SYMBOL	SEVEN
SPADE SYMBOL	SPADE
STAR SYMBOL	STAR
SUN SYMBOL	SUN
VAULT SYMBOL	VAULT
01	ONE
02	TWO
03	THR
04	FOR
05	FIV
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	TWV
26	TWSX
27	TWSV
28	TWET
29	TWNI
30	TRTY
31	TRON
32	TRTO
33	TRTH
34	TRFR
35	TRV
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
MONEY BAG SYMBOL	WIN\$
10X SYMBOL	WINX10
20X SYMBOL	WINX20
50X SYMBOL	WINX50
100X SYMBOL	WINX100
200X SYMBOL	WINX200
\$20.00	TWY\$
\$40.00	FRTY\$
\$50.00	FFTY\$
\$100	ONHN
\$200	TOHN
\$500	FVHN
\$2,000	TOTH
\$20,000	20TH
\$1,000,000	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 (2714), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 025 within each Pack. The format will be: 2714-0000001-001.

H. Pack - A Pack of "200X THE CASH" Scratch Ticket Game contains 025 Scratch Tickets, packed in plastic shrink-wrapping and fanfolded in pages of one (1). The Packs will alternate. One will show the front of Ticket 001 and back of 025 while the other fold will show the back of Ticket 001 and front of 025.

I. Non-Winning 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 and Charitable Bingo Division of the Texas Department of Licensing and Regulation (Texas Lottery) pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 140.

J. Scratch Ticket Game, Scratch Ticket or Ticket - A Texas Lottery "200X THE CASH" Scratch Ticket Game No. 2714.

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 "200X THE CASH" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose seventy-six (76) Play Symbols. PLAY INSTRUCTIONS: BONUS \$50 SPOT: If a player reveals 2 matching Play Symbols in the same BONUS \$50 SPOT, the player wins \$50. BONUS \$100 SPOT: If a player reveals 2 matching Play Symbols in the same BONUS \$100 SPOT, the player wins \$100. BONUS \$200 SPOT: If a player reveals 2 matching Play Symbols in the same BONUS \$200 SPOT, the player wins \$200. 200X THE CASH: The player scratches the entire play area to reveal 6 WINNING NUMBERS Play Symbols and 30 YOUR NUMBERS Play Symbols. If the player matches any of the YOUR NUMBERS Play Symbols to any of the WINNING NUMBERS Play Symbols, the player wins the prize for that number. If the player reveals a "MONEY BAG" Play Symbol, the player wins the prize for that symbol instantly. 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 "100X" Play Symbol, the player wins 100 TIMES the prize for that symbol. If the player reveals a "200X" Play Symbol, the player wins 200 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 seventy-six (76) 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 seventy-six (76) 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 seventy-six (76) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the seventy-six (76) 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-five (35) 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. GENERAL: The top Prize Symbol will appear on every Ticket, unless restricted by other parameters, play action or prize structure.

D. KEY NUMBER MATCH: Each Ticket will have six (6) different WINNING NUMBERS Play Symbols.

E. KEY NUMBER MATCH: Non-winning YOUR NUMBERS Play Symbols will all be different.

F. KEY NUMBER MATCH: Identical non-winning Prize Symbols will never appear more than four (4) times on a Ticket.

G. KEY NUMBER MATCH: The "MONEY BAG" (WIN\$), "10X" (WINX10), "20X" (WINX20), "50X" (WINX50), "100X" (WINX100) and "200X" (WINX200) Play Symbols will never appear in the WINNING NUMBERS Play Symbol spots.

H. KEY NUMBER MATCH: The "MONEY BAG" (WIN\$), "10X" (WINX10), "20X" (WINX20), "50X" (WINX50), "100X" (WINX100) and "200X" (WINX200) Play Symbols will never appear in any of the BONUS SPOT play areas.

I. KEY NUMBER MATCH: The "10X" (WINX10), "20X" (WINX20), "50X" (WINX50), "100X" (WINX100) and "200X" (WINX200) Play Symbols will only appear on winning Tickets as dictated by the prize structure.

J. KEY NUMBER MATCH: Non-winning Prize Symbols will never be the same as winning Prize Symbol(s).

K. KEY NUMBER MATCH: No prize amount in a non-winning spot will correspond with the YOUR NUMBERS Play Symbol (i.e., 40 and \$40).

L. BONUS \$50 SPOTS, BONUS \$100 SPOT and BONUS \$200 SPOTS: Matching Play Symbols will only appear as dictated by the prize structure in winning BONUS \$50 SPOT, BONUS \$100 SPOT and BONUS \$200 SPOT play areas.

M. BONUS \$50 SPOTS, BONUS \$100 SPOT and BONUS \$200 SPOTS: A Play Symbol will not be used more than one (1) time per Ticket across the BONUS \$50 SPOT, BONUS \$100 SPOT and BONUS \$200 SPOT play areas, unless used in a winning combination.

N. BONUS \$50 SPOTS, BONUS \$100 SPOT and BONUS \$200 SPOTS: The BONUS \$50 SPOT, BONUS \$100 SPOT and BONUS \$200 SPOT Play Symbols will never appear in the WINNING NUMBERS or YOUR NUMBERS Play Symbols spots.

O. BONUS \$50 SPOTS, BONUS \$100 SPOT and BONUS \$200 SPOTS: In the BONUS \$50 SPOT, BONUS \$100 SPOT and BONUS \$200 SPOT play areas, non-winning Play Symbols will not be the same as winning Play Symbols.

P. BONUS \$50 SPOTS, BONUS \$100 SPOT and BONUS \$200 SPOTS: The BONUS \$50 SPOT, BONUS \$100 SPOT and BONUS \$200 SPOT play areas will each be played separately.

2.3 Procedure for Claiming Prizes.

A. To claim a "200X THE CASH" Scratch Ticket Game prize of \$20.00, \$40.00, \$50.00, \$100, \$200 or \$500, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and 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 \$40.00, \$50.00, \$100, \$200 or \$500 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

B. To claim a "200X THE CASH" Scratch Ticket Game prize of \$2,000, \$20,000 or \$1,000,000, 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 "200X THE CASH" Scratch Ticket Game prize, the claimant may submit the signed winning Scratch Ticket and a thoroughly completed claim form via mail. If a prize value is \$1,000,000 or more, the claimant must also provide proof of Social Security number or Tax Payer Identification (for U.S. Citizens or Resident Aliens). Mail all to: Texas Lottery, 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.

F. If a person is indebted or owes delinquent taxes to the State, and is selected as a winner in a promotional second-chance drawing, the debt to the State must be paid within 14 days of notification or the prize will be awarded to an Alternate.

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 "200X THE CASH" 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 "200X THE CASH" 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 Game 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.

2.9 Promotional Second-Chance Drawings. Any Non-Winning "200X THE CASH" Scratch Ticket may be entered into one (1) of five (5) promotional drawings for a chance to win a promotional second-chance drawing prize. See instructions on the back of the Scratch Ticket for information on eligibility and entry requirements.

3.0 Scratch Ticket Ownership.

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

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

4.0 Number and Value of Scratch Ticket Prizes. There will be approximately 7,200,000 Scratch Tickets in the Scratch Ticket Game No. 2714. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2714 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$20.00	720,000	10.00
\$40.00	360,000	20.00
\$50.00	288,000	25.00
\$100	432,000	16.67
\$200	47,100	152.87
\$500	6,600	1,090.91
\$2,000	180	40,000.00
\$20,000	23	313,043.48
\$1,000,000	4	1,800,000.00

*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 3.88. 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. 2714 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 Game 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. 2714, 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-202504139
Deanne Rienstra
Interim General Counsel Lottery and Charitable Bingo
Texas Department of Licensing and Regulation
Filed: November 12, 2025

◆ ◆ ◆
North Central Texas Council of Governments

Notice of Contract Award to Design a Retrofit of Las Colinas Automated Transportation System

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 6, 2025, issue of the *Texas Register* (50 TexReg 3524). The selected entity will perform technical and professional work to Design a Retrofit of Las Colinas Automated Transportation System.

The entity selected for this project is HNTB Corporation, 2001 Bryan Street, Suite 1500, Dallas, Texas 75201 for a contract not to exceed \$490,000.

Issued in Arlington, Texas on November 6, 2025.

TRD-202504024
Todd Little
Executive Director
North Central Texas Council of Governments
Filed: November 6, 2025

◆ ◆ ◆
Panhandle Regional Planning Commission

Legal Notice

The Panhandle Regional Planning Commission (PRPC) is requesting proposals for contracts to provide comprehensive general building

maintenance services for the Workforce Solutions Panhandle office(s) located at:

3120 Eddy Street in Amarillo, Texas

1028-B Megert Center in Borger, Texas

A copy of the Request for Proposals (RFP) can be obtained Monday through Friday, 8:00 a.m. to 5:00 p.m., at PRPC's offices located at 415 S.W. 8th Avenue in Amarillo, Texas 79101 or by contacting Leslie Hardin, PRPC's Workforce Development Program Manager at (806) 372-3381 or lhardin@theprpc.org. Proposals must be received at PRPC no later than 3:00 p.m. on Thursday, January 8, 2026.

PRPC as administrative and fiscal agent for the Panhandle Workforce Development Board dba Workforce Solutions Panhandle, a proud part-

ner of the AmericanJobCenter Network, is an Equal Opportunity Employer / Program. Auxiliary aids and services are available upon request to individuals with disabilities. Relay Texas: 711

TRD-202504123

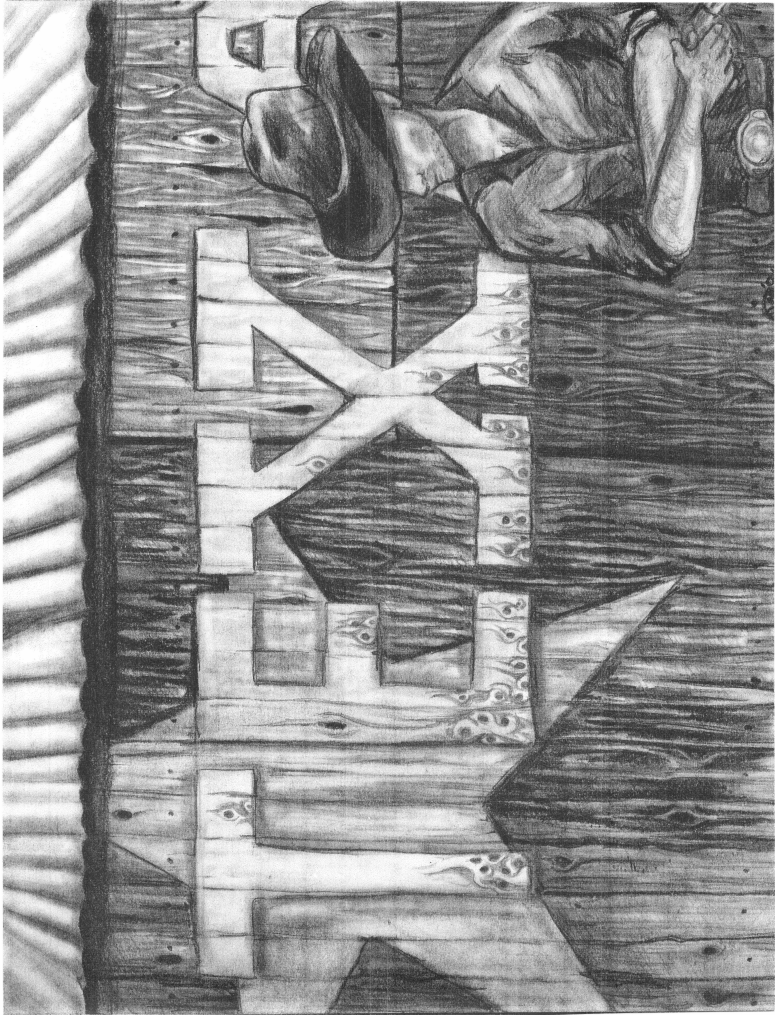
Leslie Hardin

Workforce Development Program Manager

Panhandle Regional Planning Commission

Filed: November 11, 2025

◆ ◆ ◆



How to Use the Texas Register

Information Available: The sections of the *Texas Register* represent various facets of state government. Documents contained within them include:

Governor - Appointments, executive orders, and proclamations.

Attorney General - summaries of requests for opinions, opinions, and open records decisions.

Texas Ethics Commission - summaries of requests for opinions and opinions.

Emergency Rules - sections adopted by state agencies on an emergency basis.

Proposed Rules - sections proposed for adoption.

Withdrawn Rules - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after the proposal publication date.

Adopted Rules - sections adopted following public comment period.

Texas Department of Insurance Exempt Filings - notices of actions taken by the Texas Department of Insurance pursuant to Chapter 5, Subchapter L of the Insurance Code.

Review of Agency Rules - notices of state agency rules review.

Tables and Graphics - graphic material from the proposed, emergency and adopted sections.

Transferred Rules - notice that the Legislature has transferred rules within the *Texas Administrative Code* from one state agency to another, or directed the Secretary of State to remove the rules of an abolished agency.

In Addition - miscellaneous information required to be published by statute or provided as a public service.

Specific explanation on the contents of each section can be found on the beginning page of the section. The division also publishes cumulative quarterly and annual indexes to aid in researching material published.

How to Cite: Material published in the *Texas Register* is referenced by citing the volume in which the document appears, the words “TexReg” and the beginning page number on which that document was published. For example, a document published on page 2402 of Volume 50 (2025) is cited as follows: 50 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2 in the lower-left hand corner of the page, would be written “50 TexReg 2 issue date,” while on the opposite page, page 3, in the lower right-hand corner, would be written “issue date 50 TexReg 3.”

How to Research: The public is invited to research rules and information of interest between 8 a.m. and 5 p.m. weekdays at the *Texas Register* office, James Earl Rudder Building, 1019 Brazos, Austin. Material can be found using *Texas Register* indexes, the *Texas Administrative Code* section numbers, or TRD number.

Both the *Texas Register* and the *Texas Administrative Code* are available online at: <https://www.sos.texas.gov>. The *Texas Register* is available in an .html version as well as a .pdf version through the internet. For website information, call the Texas Register at (512) 463-5561.

Texas Administrative Code

The *Texas Administrative Code (TAC)* is the compilation of all final state agency rules published in the *Texas Register*. Following its effective date, a rule is entered into the *Texas Administrative Code*. Emergency rules, which may be adopted by an agency on an interim basis, are not codified within the TAC.

The TAC volumes are arranged into Titles and Parts (using Arabic numerals). The Titles are broad subject categories into which the agencies are grouped as a matter of convenience. Each Part represents an individual state agency.

The complete TAC is available through the Secretary of State’s website at <http://www.sos.state.tx.us/tac>.

The Titles of the TAC, and their respective Title numbers are:

1. Administration
4. Agriculture
7. Banking and Securities
10. Community Development
13. Cultural Resources
16. Economic Regulation
19. Education
22. Examining Boards
25. Health Services
28. Insurance
30. Environmental Quality
31. Natural Resources and Conservation
34. Public Finance
37. Public Safety and Corrections
40. Social Services and Assistance
43. Transportation

How to Cite: Under the TAC scheme, each section is designated by a TAC number. For example in the citation 1 TAC §91.1: 1 indicates the title under which the agency appears in the *Texas Administrative Code*; TAC stands for the *Texas Administrative Code*; §91.1 is the section number of the rule (91 indicates that the section is under Chapter 91 of Title 1; 1 represents the individual section within the chapter).

How to Update: To find out if a rule has changed since the publication of the current supplement to the *Texas Administrative Code*, please look at the *Index of Rules*.

The *Index of Rules* is published cumulatively in the blue-cover quarterly indexes to the *Texas Register*.

If a rule has changed during the time period covered by the table, the rule’s TAC number will be printed with the *Texas Register* page number and a notation indicating the type of filing (emergency, proposed, withdrawn, or adopted) as shown in the following example.

TITLE 1. ADMINISTRATION

Part 4. Office of the Secretary of State

Chapter 91. Texas Register

1 TAC §91.1.....950 (P)

SALES AND CUSTOMER SUPPORT

Sales - To purchase subscriptions or back issues, you may contact LexisNexis Sales at 1-800-223-1940 from 7 a.m. to 7 p.m., Central Time, Monday through Friday. Subscription cost is \$1159 annually for first-class mail delivery and \$783 annually for second-class mail delivery.

Customer Support - For questions concerning your subscription or account information, you may contact LexisNexis Matthew Bender Customer Support from 7 a.m. to 7 p.m., Central Time, Monday through Friday.

Phone: (800) 833-9844

Fax: (518) 487-3584

E-mail: customer.support@lexisnexis.com

Website: www.lexisnexis.com/printcdsc



LexisNexis